

PROCEEDINGS

2005 NCAA CONVENTION

Proceedings

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Opening Business Session

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The 99th annual Convention of the National Collegiate Athletic Association, was called to order at 4:15 p.m. by Carol Cartwright, NCAA Executive Committee chair.

OPENING REMARKS

Ms. Cartwright: Ladies and gentlemen, I am pleased to welcome you to the opening session of the 2005 NCAA Convention. I am Carol Cartwright, president of Kent State University, and chair of the Executive Committee. I have the pleasure of moderating this opening session and welcoming you to Grapevine.

As you go about your business at the Convention, you will see various communication platforms, including television, prints and outdoor advertising, all being employed to bring attention to the unique values of what President Myles Brand has described as the collegiate model of athletics. We will hear from President Brand in just a few minutes.

At this time, it is my pleasure to introduce those who are with me on the dais, beginning with Dr. Myles Brand, NCAA president. Myles, will you please, stand for recognition? (Applause) We regret that Bob Hemenway, chair of the Division I Board of Directors, is unable to be with us today. Also with us today on the dais are the chairs of the Division II and Division III divisional presidential governing bodies. I am pleased to welcome George Hagerty, Franklin Pierce College, chair of the Division II Presidents Council, and Phillip Stone, Bridgewater College in Virginia, chair of the Division III Presidents Council. (Applause)

We are fortunate that Phil Stone will continue to serve as the chair of the Division III Presidents Council for another year. However, Divisions I and II will have new leadership in 2005. I would like to commend Bob Hemenway and George Hagerty for their leadership and commitment they have exhibited in leading their respective divisions. I know that Bob and George will continue to remain involved in our Association activities. Please join me now in thanking them for their service to the Association. (Applause)

MEMORIAL RESOLUTIONS

As has been the tradition during the opening business session, the NCAA honors athletics staff members and student-athletes who died during this past year with a Memorial Resolutions report. The NCAA recognizes individuals who have died by listing their names in the Convention Program and on the screens that you see on both sides of me. A communication was sent to all directors of athletics and conference commissioners with an electronic link to the NCAA Web site to report the names of individuals from an institution or conference who died during 2004. The NCAA News publishes notice of those deaths in each issue. I would like to acknowledge the invaluable assistance that we receive each year from NCAA staff members Sharon Tufano and Leilana McKindra in compiling this list.

At this time, I ask you to turn to Pages 77 through 81 in your Convention Program to see the names of 150 institutional staff members associated with athletics and 65 student-athletes who died in 2004. I ask the delegates and our friends from the media to please stand now and observe a moment of silence for those men and women who have passed away since we last met.

[The assembly had a moment of silence in memory of the departed individuals.]

Thank you. If you know of persons who should be added to the list, please contact any member of the NCAA staff.

REPORT OF THE EXECUTIVE COMMITTEE

It is customary at this point in the opening business session for the chair to present the report of the NCAA Executive Committee. As many of you know, the NCAA federated governance structure allows each division the autonomy to address its varied issues. However, it is important for us to keep in mind that we gather annually at this Convention as one Association. The NCAA Executive Committee is composed of 16 chief executive officers from the three divisions and three non-voting members—the chairs of the Management Councils in Divisions I, II and III. Executive Committee duties and responsibilities include approval of the Association's budget, oversight of Association-wide issues, initiation and settlement of litigation, and employment of the NCAA president. With that in mind, I would like to report briefly on what has been a busy and productive year for our Association.

Challenged by President Brand in his inaugural State of the Association speech in January 2003, the development of the NCAA's strategic plan has been a primary focus of the Executive Committee. Last April, the Executive Committee approved the Association's most comprehensive strategic plan in its near 100-year history. This means that the exhaustive and inclusive sweep of constituency input to construct the plan was time well spent.

In large part, the work of the Executive Committee is aligned with the core purpose outlined in the strategic plan: To govern competition in a fair, safe, equitable and sportsman-like manner, and to integrate intercollegiate athletics into higher education so that the educational experience of the student-athlete is paramount.

Indeed, Executive Committee members needed just a brief amount of time to bless the final draft of the plan, and charged the national office staff with implementing initiatives that support the goals and the objectives in the plan. That smooth-sailing approach came after 15 data-collection sessions that touched virtually every sector of the Association: presidents, administrators, coaches, commissioners, faculty members and student-athletes; and after a Web survey of more than 5,000 intercollegiate athletics stakeholders who further helped shape the plan.

The result is a succinct and powerful document that lays out a core ideology for the NCAA and envisions future and measurable short- and long-term goals. Specifically, the goals are to ensure that intercollegiate athletics is integral to higher education, to enrich the student-athlete's experience, to base future governance decisions on the best research available, to improve the national office administrative efforts and to fortify the perception of intercollegiate athletics and this Association.

Now that the plan has been approved, our challenge is to come together and implement its goals, keeping our eyes on a single purpose—bringing value to the enterprise of collegiate athletics for the education of student-athletes. In August, the NCAA Executive Committee approved budget allocations for the next fiscal biennium. The plan includes record budgets over the next two years—\$485.7 million for fiscal year 2004-05, and \$521.1 million for fiscal year 2005-06, more than a seven-percent increase each year.

The Executive Committee began approving the Association's operating budget on a biennium basis four years ago. In this process, Executive Committee members approved the total budget for the first year of the biennium and approved only new initiatives for the second year of the biennium. The inflationary budget for the second year will be approved in August of 2005. About 90 percent of the revenues in the 2004-05 budget are derived from television and marketing rights contracts. The upcoming year is the third of the NCAA's 11-year bundled rights agreement with CBS Sports and ESPN.

Of the 2004-05 budget allocations, about \$338.5 million represents Division I's allocations and expenses. Divisions II and III allocations and expenses total \$21.2 million and \$15.4 million, respectively. More than \$24 million will go toward student-athletic programming and youth programs and services.

At its October meeting, after considering a lengthy period of membership feedback and review, the Executive Committee unanimously approved the establishment of a quasi endowment for the NCAA. The funding of the quasi endowment says a great deal about the long-term focus of the Executive Committee. Four principal sources of funds will be used: funds from the former NCAA Foundation's unrestricted net assets, the NCAA working capital reserve, 50 percent of year-end unbudgeted revenues and expenditures savings, and allocating 10 percent of the annual increase in the Association's revenues for this endowment. The quasi endowment is an outgrowth of the strategic planning process. During their recent development of the strategic plan, NCAA members voiced concerns that changes would occur in the business of the NCAA and its finances, perhaps sooner rather than later.

Members indicated again and again that funding for intercollegiate athletics may decline during economic downturns and may not increase as dramatically as in the past even during up cycles. In today's uncertain economic climate, the Executive Committee felt it was important to listen to the membership and establish a quasi endowment. With changes in the media world and an increased number of entertainment options available, it was in our view both prudent and essential for actions to be taken to protect NCAA programming and future support. Frankly, the action taken by the Executive Committee reduces the amount of money that can be distributed back to the Division I membership in the form of unplanned supplemental distributions.

However, after weighing the risks associated with not having an endowment, versus the magnitude of the financial impact on any given Division I institution, the Executive Committee made its decision. It is prudent fiscal stewardship to earmark resources during periods of economic growth to protect valued programs from economic downturns. NCAA President Myles Brand has made it clear that fiscal responsibility will be the theme for the Association once we implement academic reform. We believe establishing this endowment is fiscally responsible for any nonprofit organization.

These 2004 Executive Committee highlights illustrate the success of NCAA restructuring providing greater clarity of authority as to where and how decisions are made within the Association, and creating a structure whereby chief executive officers have primary responsibility for governing the Association. The Executive Committee remains committed to its duties and to taking a leadership role in determining and advancing the Association's initiatives on behalf of the membership. It challenges the governance structure to support the Association's priorities and its work on behalf of the membership and thousands and thousands of student-athletes.

Now, it is my pleasure to introduce NCAA President Myles Brand to present the State of the Association Address. Please join me in welcoming President Myles Brand.

STATE OF THE ASSOCIATION ADDRESS

President Brand: Thank you, Carol. I appreciate that.

This month, I began my third year as president of the Association, and this is my third State of the Association speech. In my first speech, delivered a little more than a week after taking office, I said that my efforts on behalf of intercollegiate athletics would be led by the twin guideposts of advocacy and reform. Those two pillars are as important today as they were two years ago.

Last year, I spoke about the collegiate model of athletics that I believe is and must be value based. Athletics must be fully integrated into the educational mission of its home university or college. I have spent the past year talking with groups across the country, building on that theme and helping them differentiate college from professional sports.

Today, I want to provide some observations on what I have come to see as commonly held but generally inaccurate perceptions regarding intercollegiate athletics. I want to debunk

four of the great myths about college sports. Doing so will set the stage for progress and advances in intercollegiate athletics.

By necessity, my focus will be limited in these remarks. In particular, I have to leave for another occasion a much-needed discussion concerning fairness and equity in the current hiring practices of college sports.

The paucity of African-American head football coaches in Division I—as well as in Divisions II and III—and women in high positions from head coaches to athletics directors, is simply appalling. The search process used to identify individuals for high-level positions is not universally open and fair.

I can find no moral justification for excluding from serious consideration qualified persons who are not of the over-represented race or gender. While some progress is being made, for example, the increase of African-American males in Division I athletics directorships and men's basketball has achieved a critical mass of head coaches, there is a great deal more that must be accomplished in many areas.

As one of my colleagues told me during the first week on the job in January 2003, "There is no shallow end to the pool we call intercollegiate athletics. You simply have to dive in and begin swimming."

The advice was correct. It is not possible to merely get your feet wet or tread water; it's a complete immersion from day one.

However, I have been able to observe intercollegiate athletics with a fresh eye. As a university president for nearly 15 years, I was no stranger to intercollegiate athletics, but the administration of college sports was not my primary focus. The last two years in the office of NCAA president has led me to better appreciate a uniquely American experience, the relationship between athletics and higher education.

Let me make absolutely clear that I have great respect for the enterprise and for the presidents, conference commissioners, athletics directors, other sports administrators, and for coaches and student-athletes. If you had followed me across America the last two years and visited with these individuals from campus to campus, you would have come away uplifted. I have met countless individuals who believe that what they do or support on the field or court is critically important to the development of future citizens and leaders.

And they are right.

To give one example, the Division II National Student-Athlete Advisory Committee made a decision more than a year ago to embark upon a fund-raising initiative with the Make-A-Wish Foundation. With the help of Division II institutions and conferences, they met their goal almost 10 times over. This is only one instance of incredible success beyond the athletics arena.

This is citizenship and leadership of the finest kind. This is what the majority of the athletics programs in the NCAA are doing. This is the energy for public good generated by the majority of student-athletes. That is what college sports is all about—day to day and year to year.

At the same time, I have also come to understand that there are often repeated, commonly held, almost apocryphal but sometimes self-fulfilling perceptions of intercollegiate athletics that focused on the worst cases and burdened the balance of college sports to such a degree that the value and values of the enterprise are largely obscured.

Let's be honest. Myths exist because there is a modicum of truth to the perceptions that then evolve into popularly accepted lore. The four myths that I will identify here have associated with them concerns that need serious attention. I am not a Pollyanna; all is not right with college sports. There are serious and complex challenges. But without reservation, we can say that these four areas are far more myth than reality.

Myth No. 1: College sports is more about sports than college. The perception is that student-athletes on their own or because of pressure from their coaches disproportionately

attend to athletics skill development and winning than to the classroom and getting an education. These are athlete-students, not student-athletes.

That's the problem, according to this view. Intercollegiate athletics, as a component of the university, is failing at its most basic mission—educating student-athletes.

The evidence, however, does not support this myth. This fall, the NCAA released the latest federally collected and federally mandated graduation rates for students and student-athletes at NCAA member institutions.

These estimates are too conservative. The way the federal government calculates the rates, transfers who leave an institution—no matter their academic standing—count against the institution, and those who transfer in and earn their degree never get counted at all. In addition, the government only tracks those who are on scholarship, so while a significant portion of Division I student-athletes are included, a much smaller group are counted in Division II, and the numbers are virtually meaningless in Division III.

Nonetheless, student-athletes in both Divisions I and II graduate at a higher rate than the general student body—two percentage points in Division I, eight percentage points in Division II. Women graduate at higher rates than men, whites graduate more often than blacks, but all demographic cohorts among student-athletes, including African-Americans, graduate at higher rates than among the general student body.

However, and this is why the myth has grown, football student-athletes and more so male basketball student-athletes—the two highest profile sports—graduate below both the student-athlete rate and the general student-body rate for both Divisions I and II. In Division I, the differential in football is modest, five percentage points, though in men's basketball, it is truly problematic with a differential of 16 percentage points.

Although some leave to try their hand at professional sports, there are not nearly enough of these young men to explain the disappointing low numbers. The bottom line is that too many student-athletes in these two sports are simply leaving before they earn a degree.

Make no mistake; there is a real concern about the numbers in these sports in both Divisions I and II. And Division III has its own concern about under-achievement among student-athletes compared to the rest of the Division III student body. A year ago at this Convention, Division III passed some of the most sweeping reforms in many years to refocus the time and attention of student-athletes on their educational goals.

This is an ongoing initiative for the Division III Presidents Council as it looks to the future and works to define the philosophical underpinnings of these 421 Institutions. Results from a membership-wide survey shows overwhelming support for the emphasis Division III puts on academics. This is important work for the division as it sets the agenda for the years ahead.

In April of 2004, the Division I Board of Directors approved a package for academic reform that raised the bar for both incoming freshmen and enrolled student-athletes. To participate in college sports in Division I, high school student-athletes must present a significantly higher level of academic preparation than ever before. And enrolled student-athletes have to make genuine progress term by term toward a degree. The Committee on Academic Progress is meeting at this Convention to define the parameters for these penalties for specific sports teams that fail to achieve team-wide educational success.

These measures will change the culture of college sports. Success as a student as well as an athlete, simply, is the only acceptable standard for the future in college sports.

Student-athletes and their coaches will continue to focus on their sports during their seasons. It would be a denial of human nature to expect otherwise. And, by the way, the available research data show that student-athletes do better academically during their season than when they are not competing. The academic reform measures are designed to increase the graduation rates of student-athletes in Division I to bring to fruition the educational process for student-athletes.

One other piece to this myth that should not be ignored is the claim by cynics—based, in all fairness, by some evidence and considerable anecdote—that student-athletes are directed to easy courses, worthless majors and accommodating professors.

I have not seen a reliable and empirical measurement for the extent of this problem. But this I do know: Some courses are easier than others. Some majors are more obviously career based than others. Personally, I seriously doubt that, to any appreciable degree, faculty members are more accommodating to student-athletes. In fact, student-athletes sometimes claim that the opposite is true, that some faculty members intentionally fail to accommodate their needs for travel and other aspects of student-athlete life. But the main point is that all of these courses and majors are available to the entire student body.

The academic integrity of an institution is primarily in the hands of the faculty. They create and approve the courses and curriculum, and they set the standards for instruction. You cannot bring national policy to bear on the courses or majors or instructors a student—or even a group of students—select. And you cannot monitor or dictate the content of courses or majors from off-campus; that is an abridgement of academic freedom.

We presume that the courses and majors offered are worthy of the university. If they are not, shame on the university faculty. If student-athletes are deliberately herded into courses and majors that do not allow them to emerge with an honorable degree or a quality higher-education experience, shame on those who permit such practices.

Recently, the football coach of a major Division I-A program was quoted saying, “I was hired to win; I wasn’t hired to graduate student-athletes.”

I do not fault the coach. He clearly has been sent messages that his No. 1 priority, in fact the security of his future employment, is based on winning football games. This appears to be a message that is being sent far too often by those who do the hiring and firing.

The academic reforms recently adopted by Division I provide strong incentives for coaches to recruit and support academically able student-athletes. The new requirements will make ineligible student-athletes who do not apply themselves academically. Thus, a coach who wishes to have competitive teams and to stay within the rules will have to identify academically prepared student-athletes and motivate them to take their studies seriously. That is, given the new academic requirements, it is in the self-interest of coaches to focus on the academic success of student-athletes.

One of the important and distinguishing factors of the collegiate model of athletics is that education is the goal, not sports entertainment. On the whole, intercollegiate athletics—based on both available evidence and reform practice—meets that goal. That intercollegiate athletics is more about sports than college is a myth.

Myth No. 2: College sports is only about the money and the student-athlete is the forgotten pawn. According to this myth, college sports is big business in which the top personalities earn million-dollar salaries. It is the world of sports entertainment, indistinguishable from professional athletics. It has succumbed to the machinations of media networks and has sold its soul to corporate America.

Has the drive for financing intercollegiate athletics pushed the enterprise off center from the mission of higher education? Have dollars replaced the student-athlete as the object of the entire effort? If true, how on earth did America’s great universities and colleges get to this position?

Intercollegiate athletics is not inexpensive. It is not as costly as many perceive it to be, but the costs are not trivial. Many or most in the general public, and perhaps even the media, assume that athletics eat up 25 percent or more of a Division I-A university’s budget. In fact, the percentage of the university’s budget consumed by athletics can be higher at smaller programs because of fixed costs, but the average Division I-A program represents only three to four percent of the university expenditures.

Still, the average Division I university expends almost \$15 million on its intercollegiate

athletics program, and those who participate in Division I-A average approximately \$27 million.

It is critical to note that these budgets have risen at the same time higher education has gone through a series of economic downturns. The financial pressures of maintaining and enhancing large physical plants, competing for, hiring and retaining faculty and staff, and increased technology demands have exacerbated the problem.

The need and desire for additional resources in other areas of the university, coupled with the low priority placed on athletics by some faculty members and others on campus create pressure in Division I to minimize or eliminate institutional subsidy for sports.

In fact, the more revenue that an athletics department can accrue in order to offset its expenditures, the more university general funds can be allocated to perceived higher priority areas.

Finding outside revenue sources, often from enlarged media contracts, has coincided nicely—and at just the right time—for higher education. The result has been fast-flowing new revenue streams for athletics at just the time higher education needed relief from the mounting financial pressures of running a complex campus.

But there has been significant consequences, as well. Here is the problem.

The increased ability of college sports to enhance revenues, especially through the sale of media rights, enabled Division I athletics departments to grow expenditures at rates higher than that of other parts of the university. It has also led to significant capital investment in facilities, most often through bonds to be paid by projected future athletics-generated revenues.

The need for increasing the rate at which the revenue expands has also resulted in an inflated need to increase wins. And the growing need for more wins has increased the competition for outstanding student-athletes and coaches. As a result, the competition for student recruits, especially in the two revenue sports, has led to excesses of the kind played out in headlines much of this past spring. And the competition for good coaches has resulted in a market that yields compensation packages for a selected few that puts them in the rarified air of celebrities and at odds with the faculty and others on campus.

In fact, in Division I-A football, the result has been an expanded market for coaches, which includes both college and professional teams. While this has resulted in higher compensation packages—and higher fees for coaches' agents—it has led to the evaluation of coaches in ways that are more appropriate to the professional coaches. Tolerance for the time necessary to build a program has given way to the requirement for high levels of immediate and annually sustained success.

We all see what has happened. This escalation—this spiraling—of success demanding even more success has good people of noble intentions chasing both the carrot and their tails. And if the ready flow of media revenues or corporate sponsorships does not increase at the expected rate, what then?

And while there will be sufficient support—in all likelihood—so that athletics budgets will continue to increase, the expectations for the current high rate of growth cannot be met in the future. There will be disappointments when the rate of growth moderates.

Worse, this mounting financial problem threatens the integrity of the university. When the public—both local and en masse—begin to believe that the value of an institution is to be measured by the success of its athletics teams, the core mission of the university is threatened. The central role of the faculty is ignored in favor of winning the big game or recruiting the next young man with athletics star potential. And the ability of the university to successfully educate and push forward the boundaries of knowledge and the creative arts is compromised.

By the way, don't think the impact of these spiraling expectations is directed only at the Division I-A programs. The same process has driven some I-AA programs to move its foot-

ball to I-A and some Division II programs to seek the visibility of Division I. The growing sense that moving “to the next level” will result in either enhanced academic reputation or new institutional revenue streams—or both—has pushed some institutions to try to move their athletics programs.

It has become of such concern to the leadership of Division II that a Presidential Summit will be conducted next June to discuss the problem. The Presidents Council in Division II has commissioned a study of specific cases where institutions have left for Division I for the supposed glory and money. The study will examine the level of satisfaction with the move, as well as the financial and programmatic ramifications. I applaud this effort. It should result in more institutions following data rather than anecdote, and mission rather than illusion.

This spiraling fiscal problem must be arrested. It will take a systematic and strategic effort to do so.

There are campuses where athletics programs are being conducted exactly right, where they are, in fact, behaving fiscally responsible. Unfortunately, that does not hold in all cases.

The goal is to transport these successful strategies and practices to a much broader range of schools, while recognizing that no two schools operate in the same context or have the same traditions or strengths.

This is where I expect to focus a good portion of my attention over the next several years. The key will be to engage the interests and action of college and university presidents.

In my view, we must develop a process for value- and mission-based budgeting of athletics that parallels the way budgets for other university programs are set. The central point is that the value of an athletics program must ultimately rest on its support of and integration into the educational mission and traditions of the university.

We must arrest the slide toward professional athletics and the sports entertainment industry. And while the problem is not of crisis proportions right now, the time to avoid turning this myth into reality is now.

It will not likely be possible in the future to increase athletics department budgets at a rate appreciably higher than the general university rate of budgetary increases. That will require athletics departments, like other areas of the university, to use resources effectively and efficiently. But good business practices constitute only part of fiscal responsibility.

The popular view is that you have to increase spending to increase wins, and you have to increase wins to increase revenues.

However, a major NCAA-funded economic study released last year shows no correlation—at least over the medium term, that is, about a decade—that this view is correct. The study found no correlation between increased spending and increased winning or between increased winning and increased revenues.

But these data and results have made little difference. The spending spiral has not abated, and the strong if mistaken belief that spending more than your competitors will lead to increased winning has propelled athletics departments to increase expenditures ... no matter the facts. The behavior is irrational in light of the available evidence, but there it is, nonetheless.

One reason, in Division I, may be its philosophy statement adopted in the late ‘70s, which has been used by member institutions as a mandate for self-sufficiency. The statement is fairly innocuous. It says simply that an institution in Division I “strives to finance its athletics programs insofar as possible from revenues generated by the program itself.”

On the surface, the principle is nothing more than sound financial management advice than a mandate for autonomous functioning. But the practical effect has been to push athletics programs outside an institution’s normal budgeting process, to put unparalleled pressure on athletics administrators to find revenue streams outside the university, including accommodating major donors, to increase the pressure on coaches—and student-athletes,

I might add—to win, and to adopt an approach that views intercollegiate athletics as an ancillary enterprise.

From a practical perspective, it doesn't work. About 40 of the approximately 325 Division I institutions claim that they operate athletics in the black. I am skeptical. When all the costs are taken into account, including facilities and physical plant, academic support, grants-in-aid partially absorbed by the general fund, and hidden subsidies, I suspect the number that genuinely balance expenses with revenues is no much more than a dozen.

Congratulations to the few, but it is unrealistic to pressure the vast majority of athletics departments to become self-sufficient.

Athletics must bring value to the university, in terms of its academic mission. In doing so, it puts itself in the right position to be supported, if necessary, by the university.

If, however, a campus component as high-profile and expensive as athletics—that contributes to the education developmental experience of 400 to 800 students—is not contributing to the mission of the university, why has it been a part of the American campus for more than a century? And how do we justify its future place on campus?

It is far too risky to take athletics outside the normal lines of accountability at the university. When there are major problems or scandals in athletics, the entire university is affected. Athletics is too visible and influential to be ancillary, and too enriching to the university experience to be ignored as a contribution to the mission of higher education. And if it has value in the university's meeting its mission, it deserves to be supported, if needed.

Value-based budgeting depends on an athletics program contributing to the fulfillment of the university's missions. As I define it, fiscal responsibility in college sports is more than a financial strategy; it means more than operating efficiently. It means using the resources provided in ways that go beyond winning. It means being committed in word and especially in deed to the goals and to the reasons for which the university exists.

It means the integration of college sports within the academic mission of the university, and it means keeping student-athletes at the center of what we do.

Myth No. 3: Myles Brand is the czar of college sports. This, of course, is my personal favorite.

It grows out of a notion that the NCAA controls every aspect of intercollegiate athletics. And if that is so, why doesn't the NCAA and Myles Brand step in and control those things that are really broken?

It is not infrequent that I receive letters or read newspaper columns that urge me—the all-powerful NCAA president—to do the right thing ... say, cap coaching salaries; moderate facility expansion; define campus budget priorities. And especially respond to the clamor of fans and the media to create a Division I-A football playoff.

What is really being asked is that I ride roughshod over the wishes of the membership and install a form of collegiate martial law.

This is a myth that is born, of course, from a lack of understanding of the NCAA as an association of members. I have spoken previously about the systemic ambiguity of the term "NCAA." It can mean the national office in Indianapolis; it can mean the thousand or so colleges and universities that belong to the Association; or it can mean the governing body, the collection of committees that make the rules, as well as the rules themselves.

While it is clear that the Executive Committee through restructuring intends that there is a larger leadership role from the office of the NCAA president and the Indianapolis staff, leadership is not the same as control. Certainly, I have the bully pulpit and I have used it to urge action, change, reform and common sense. I have also urged new approaches to the work of the Association and new opportunities to serving its overall interests.

In my first State of the Association speech, I called for development of a first-time-ever strategic plan. That plan was presented to this Convention last year and has been approved by the Executive Committee, as you heard Carol announce earlier. It sets the goals for the

Association and intercollegiate athletics for the next three to five years and proscribes the values that will govern college sports for the next several decades.

But the democratic process through representative governance determines what decisions will be made. And the driving force—the agents of change—in this process are the college university presidents.

The real czar of college sports is the will of the membership determined by the university presidents.

Myth No. 4: Amateurism itself is a myth. I have saved this for last because it is in many ways the most complex of the four myths. It is both insidious and pervasive. While amateurism is the defining difference between the collegiate and professional models of sports, it has become the lightning rod for those who would relegate intercollegiate athletics to a third-rate campus version of professional sports.

The underlying problem of the myth is that it is based on a false assumption of what amateurism is. The popular notion is that amateurism means athletics on the cheap. Student-athletes aren't paid and coaches and others should receive only minimum salaries. The facilities of 80 years ago should be good enough for today, and uniforms and other equipment should be hand-me-downs.

But since college sports is now all about the money—compare Myth No. 2—amateurism is dead and student-athletes should be paid. They should share in the profits of football and basketball.

I could not be more opposed to that point of view.

Amateurism is not about how much; it is about why. It is not about the money; it is about the motivation.

The college model—with amateurism as only part of it—is based on the idea that students come to college to get an education, and some of them—the most gifted and most determined—play sports under the banner of the university for love of the game. As old fashioned as that may sound, I challenge the cynics to survey the 360,000 student-athletes who participate in college sports to see if they don't overwhelmingly say that is exactly why they play.

They understand better than those who would lead the funeral procession for amateurism that participation in athletics is an aspect of the collegiate experience unique to the American campus, unique to those blessed with the opportunity to play, and uniquely suited to the development of attitudes and virtues that will serve them well throughout their lifetimes.

Amateurism has never been about the size of budgets or salaries. It isn't about facility expansion or sky boxes or commercialism. Amateurism is about why student-athletes play sports. And that, we should never change.

There is something these four myths have in common. While they exaggerate the problems, they draw attention to the fact that we can be easily distracted from our primary mission within higher education and intercollegiate athletics—the education of the student and the student-athlete.

To the degree that we permit our behaviors to be obsessed by factors other than the success of student-athletes, intercollegiate athletics misses the mark. It is off center.

From day to day and from campus to campus, these myths are nothing more than hyperbole about the worst instances of misguided behavior. The vast majority of student-athletes and coaches, of athletics directors and presidents are living out the values of athletics on the campus. I have great confidence in them all.

However, as I noted at the outset, myths have standing because there is a modicum of truth in them. They have grown in proportion to the complexity with which we must manage intercollegiate athletics. The work before us now is to re-center college sports, align this enterprise with the academic mission of the university, bring fiscal responsibility to the way in which we manage the business of intercollegiate athletics, especially value-based budg-

eting, and keep the spotlight focused on the success of student-athletes.

In dispelling these myths of college sports, we have cleared the undergrowth and made way for planting the seeds of future success. Some seeds have already been sown through completion of the majority of legislation for academic reform. The remaining planting involves robust and far-reaching attention to fiscal responsibility. Our harvest will be the returned emphasis, too long lost, on student-athlete success, on the field, in the classroom and for life.

At the 2006 Convention, we will commence our observance of the NCAA's centennial. The theme and logo for that year-long exercise has been decided. We will celebrate the student-athlete.

The issues and problems and challenges will not all be gone. There will be some who come to college to play sports with little or no interest in getting an education. Money will continue to provide us with both the opportunities to support student-athletes and with the temptation to behave irresponsibly. Some will continue to blame the police when there is a new crime wave or expect solutions to problems be dictated rather than developed through democratic processes. And we will continue to argue endlessly about whether amateurism is alive and well or whether it is dead and should be buried.

But, if we want to put the lie to these four commonly-held myths about college sports, we should keep before us those four words—Celebrate the student-athlete.

It is as simple as that. Celebrate the student-athlete.

Thank you.

Ms. Cartwright: Thank you, President Brand. Thank you for your very thorough review of the state of the Association and the challenges you present to us for the future.

For those of you who may want a copy of the address, it is available online at www.ncaa.org. It will be reprinted in the January 17 issue of The NCAA News.

Myles, given that warm response, I expect many will be seeking their personal copy of the address and referencing it frequently.

Myles, I hope you caught your breath, because I now ask you to return to the podium to present the second annual NCAA Gerald R. Ford Award.

NCAA PRESIDENT'S GERALD R. FORD AWARD

President Brand: Thank you again, Carol. It is my great pleasure to present the annual NCAA President's Gerald R. Ford Award. This is the second year that the NCAA President's Gerald R. Ford Award has been presented. It was created to honor an individual who has provided significant leadership as an advocate for intercollegiate athletics on a continuous basis over the course of his or her career.

Today's honoree fits the requirement perfectly. The NCAA President's Gerald R. Ford Award, of course, is named for Gerald R. Ford, who served America as the 38th President during one of its most tumultuous periods of this nation's political history. He was also a student-athlete at the University of Michigan, where he participated on the national championship football teams in 1932 and 1933.

It was there at one of America's great universities that he acquired the qualities he would exhibit throughout a career of public service. These qualities, integrity, discipline to purpose and sacrifice for the greater good, served him in a presidency that began in controversy and that required great strength of character. He is an example of how participation in intercollegiate athletics can shape leaders for critical times.

The 2005 recipient of the NCAA President's Gerald R. Ford Award presents to us today a career dedicated to shaping leaders. William Friday devoted 30 years to leading his beloved University of North Carolina as its president. His dedication to the role colleges and universities play in the civilization of a nation has been an inspiration to all who serve the acade-

my. He has elevated the importance of higher education as a development of an involved and participatory citizenry by ensuring that access is available to all. He has fought for the freedom of academic expression while modeling the highest standards of personal integrity.

In recent years, William Friday turned his attention to college sports, and with his close friend and last year's Gerald R. Ford winner, Father Theodore Hesburgh, formed the Knight Commission on Intercollegiate Athletics.

Under their leadership, the commission made an extraordinary contribution to the future of intercollegiate athletics with its landmark 1991 report that called for greater presidential involvement.

Bill and the Knight Commission had it exactly right. The reforms that were made in the last dozen years to ensure the academic success of student-athletes and to re-align collegiate athletics with the mission of higher education can be traced to the enhanced role of college and university presidents who have played in the governance of college sports.

As the commission's current chair, Bill is a very formidable foe to those who would bend the collegiate model and drive intercollegiate athletics further away from the values of the university. But this is not new territory for Bill. This is a continuation of a career dedicated to higher education's goal of developing future leaders.

Intercollegiate athletics is most fortunate to have his friendship and his leadership.

[Note: A visual presentation with the following audio was shown.]

"Most mornings, you can find Bill Friday in his office working at his desk before 9 a.m. At the age of 84, he doesn't have to work. He surely doesn't need to add to his legacy or enhance his reputation. But Bill Friday gets up and goes to work early because there is still so much work to be done, work to be done on all that he cares about so deeply, providing the opportunities of higher education to all who want it, keeping universities free for intellectual expression, fighting to bring sanity to college sports.

"He has been called a North Carolina patriot, one of the state's historic treasurers, and a constant reminder that public officials work for the people.

"Bill Friday was shaped by his teenage years during the Depression in the small town of Dallas, North Carolina. He played baseball and basketball, won debate contests, and wrote sports for the newspaper. A \$50 scholarship helped him enroll at Wake Forest College in 1937. He transferred to North Carolina State College and graduated with a degree in textile engineering.

"Bill married his wife, Ida, in 1941, and served during World War II as a lieutenant in the United States Naval Reserve. He came home to earn his law degree at the University of North Carolina, but it wasn't law or textiles where Bill Friday would make his mark. Instead, he went to work in college administration at the University of North Carolina.

"In 1956, at the age of 35, he was named president of the university, the youngest university president in the nation. He told a reporter, 'I expect that I will be in this place no more than a few months.' Thirty years later, Bill Friday retired.

"During those decades, he dealt with all the little things that university presidents deal with—budgets, faculties, students and alumni, and those were the easy jobs.

"In the 1950s, there was the civil rights battle, and Bill was the mediator between a conservative state legislature and the university's student activists.

"In 1963, the state's General Assembly passed a speaker ban law, making it illegal for critics of the government to appear on campus. Bill Friday relentlessly defended the intellectual freedom of the university until federal courts repealed the ban in 1968.

"And in the '70s, he battled the federal government over desegregation plans that would have taken academic control away from the university. He refused to yield on the principle that it is the university that must decide on what is taught, where it is taught and by whom it is taught. He met the government in court four times and Bill Friday won.

"Under his leadership, the University of North Carolina grew from three schools to a

group of 16 colleges and universities. CBS reporter and North Carolina native, Charles Kuralt, said of Bill Friday: 'He transformed a good state university of the South into one of the greatest universities in the nation.'

"Through the years, U.S. Presidents have sought his counsel. Twice he served on presidential education task forces, but it is the Council of the Citizens of North Carolina that Bill Friday speaks. For 33 years, they have tuned in to Bill's television show 'North Carolina People'.

"He has interviewed more than 1,500 people—everyone from Dean Smith to Billy Graham, James Taylor and Richard Petty.

"In 1989, Bill Friday was a co-founder of the Knight Commission on Intercollegiate Athletics. 'We have turned sports into a religion,' he said, 'and we have to put a harness on it.'

"In two major reports and in ongoing studies, the Knight Commission has emphasized academic values over the commercialization of college sports, which often overshadow the goals of higher education.

"For the 30 years that Bill Friday served as the president of UNC and for the 15 years he has continued as chair of the Knight Commission, he has managed to get people to work together. He does it with something biographer William Link called the 'Friday Mystique.' Numerous people might have disagreed with him, but they still walk away loving him.

"And so Bill Friday continues to get to work early, to stand up for what he believes is right, and to disagree without being disagreeable."

President Brand: Bill Friday.

[The assembly extended a prolonged standing ovation.]

RESPONSE—RECIPIENT WILLIAM FRIDAY

William Friday: Thank you, Mr. President. I am most grateful to you, sir, and to the Association for this presentation.

I spoke with Father Ted earlier this week, and he asked me to give each one of you his personal greeting. He is hale and hardy and he is paying attention to everything we do. I had to tell Mary Sue Coleman today, I know President Ford is claimed by Michigan, but he was a part of the military establishment in the Pre-Flight School at the University of North Carolina, Chapel Hill, and he came there one summer semester to law school. So, you have to share him, Mary Sue.

Friends, this award is a wonderful award. It is recognition of the enduring contributions that have been made to college sports by the Knight Foundation and the Commission that it has created, as our president has said.

Their pioneering influence and the advocacy of this group of men and women have had a major impact on what we all love. I want you to meet and know the current president of that foundation, who is himself a member of the commission—Mr. Hodding Carter. He is known to all of us as one of our country's splendid public servants. He sits right over here. Hodding, will you please stand? (Applause)

In all that he and I and the other 20 members of this commission try to do, we couldn't do it without two other people who are here—Maureen Devlin and Amy Perko. They are right over here and they are the people who answer all your mail. Will you ladies please stand? (Applause)

Myles, I thank you for the personal friendship we have shared for many years, and I want to thank Wally Renfro, Gary Brown and Kevin Lennon, because you have been so helpful to the commission. I want you to know that this relationship has been one that has worked very hard to do what has been done. Their presence here as well as your presence manifests the common dedication that we have to a common cause.

As I listened to our president talk, I couldn't help but think of something. This country gave the world the idea of the public school. It extended that idea to the community college in this last century, and we created the world's greatest system of universities. You know, it is interesting in listening to many that out of that foundation has grown a cultural force in our country—intercollegiate athletics competition. It is why you and I are here today.

As Myles said last year, literally hundreds and thousands of young people and dozens and dozens of our colleges and universities, and dozens and dozens of sports had the experience of coordination of mind and body and the thrill of personal achievement. You and I are guardians of that tradition in this country. We want to see these programs grow and flourish simply because their success is that essential to the well being of the United States and to our own way of life.

But lately, as our president again has said, we have been subject to some rather wide commentary, some of which has not been very princely. So, I want to use my last three minutes to say one comment about that and to express a hope.

As he pointed out, you and I know that we have got to do something about graduation rates. We look forward to what the Committee on Academic Performance is going to do and what Walter Harrison will soon be telling us about that. We also know that the burdensome financial excesses exist because we have been in an arm's race.

Some of our institutions have not respected contractual relationships with coaches in the way the university should. This instability involves both parties, and it has got to be corrected. We know that the escalation of salaries and bonuses must be brought under control. I commend the president for the aggressive action he has shown in dealing with the recruiting scandals. We also commend him and the basketball coaches and their organized partnership that is leading to new standards and practices.

It was at a recent forum on sport in New York City that a larger issue was brought forth: Who controls college sport today? The noisy alumnus, the demanding donor, the influence of money from commercial television and shoe companies, meddling trustees, unhappy sports fans, the media?

With the dissatisfaction that is intensifying, the commission raised the question long ago what role is there for the NCAA in the management, operation and budgeting of postseason bowl games? These matters concern you and me, because thoughtful Americans perceive that we are not in control of college sport in the way we should be.

The fundamental responsibility each of us holds is to ensure the integrity and the character of the institution you represent. This requires of us not only full compliance with existing regulations, but the assurance of the best spirit of competition and the guarantee of first attention to the mission and purpose of our universities and colleges. This will require courageous initiative to make effective changes.

Here is my hope. We know best what needs to be done. We know best how to get it done. We know best the consequences of failure to act or default in leadership. So, what should we do? We should gather the will and the determination to make changes ourselves, to meet the responsibilities we hold, to do what is necessary and to do it now. We do not need Congressional intervention to do our duty.

So, my friends, it is time that we bring the strength and power to the hand of our president and to the Board of Directors as they seek now to do what is right. We really don't have any further choice.

Thank you again for your kindness you have shown the members of the Knight Commission and me. Godspeed in all we do. Thank you. (Applause)

Ms. Cartwright: Myles, thank you for the presentation of the NCAA President's Gerald R. Ford Award. Once again, I ask all of you to join me in congratulating Bill Friday, this year's recipient of the 2005 President's Gerald R. Ford Award. Bill, our warmest congratulations. (Applause)

Please don't forget that we have our Honors Dinner tomorrow night at 6:30 in the Gaylord Texas Ballroom. Please, also remember that tickets for this year's event will be collected at the door.

Also, please refer to the Convention schedule for details regarding your divisional business sessions and forums.

As President Brand noted, the NCAA will kick off its centennial celebration at next year's Convention in Indianapolis, home of the national office. Please plan now to join us as we begin the celebration of 100 years of the student-athlete.

Ladies and gentlemen, thank you for your attendance today. Enjoy the Convention and your time in Dallas. This session is adjourned.

[The opening business session was adjourned at 5:45 p.m.]

HONORS DINNER

Sunday, January 9, 2005

Video Voiceover: Ladies and gentlemen, welcome to the 40th annual NCAA Honors Program. Please welcome the 2005 NCAA Honors Program honorees: Top VIII Honorees; Silver Anniversary Honorees; Inspiration Award Honorees; and the 2005 Theodore Roosevelt Award Honoree.

Ladies and gentlemen, please welcome Dr. Carol Cartwright, chair of the NCAA Executive Committee and president of Kent State University.

WELCOME

Ms. Cartwright: Good evening and welcome to the 40th annual NCAA Honors Program. Tonight we have the pleasure of celebrating the lives of 18 extraordinary people. They are world-record breakers, NCAA champions and Olympians, and they have left their mark on their university's record books along the way. But if we stopped right there, we would only be telling you just a small part of their story. You see, they go far beyond points scored and championships won.

Because when they had time away from their sport or their career, they used that same energy to work for others. They volunteered to teach children to read and to swim. They united nations through sport and encouraged others to reach for the stars.

These are the marks that will endure long after the sports scores have been forgotten. We will hear their inspiring stories soon, but now I invite you to enjoy your dinner and the great company around you. We will be back shortly to honor tonight's special guests.

[Dinner was served.]

INTRODUCTION OF HONOREES

Video Voiceover: Ladies and gentlemen, again please welcome your 2005 Honors Program Honorees.

The Top VIII Honorees: Kelly Albin, University of California, Davis; Caesar Garcia, Auburn University; Kelly Mazzante, Pennsylvania State University; Kay Mikolajczak, University of Wisconsin, Oshkosh; Ogonna Nnamani, Stanford University; Angela Ruggiero, Harvard University; Kelly Wilson, University of Texas at Austin; and Tara Kirk, Standard University.

The Silver Anniversary Honorees: Mark Johnson, University of Wisconsin, Madison; Paul McDonald, University of Southern California; Greg Meredith, University of Notre Dame; Joan Benoit Samuelson, Bowdoin College; Dave Stoldt, University of Illinois, Champaign; and Gary Lawrence, Yale University.

The Inspiration Award Honorees: Kaia Jergenson, Lipscomb University; Michelle Thomas, University of Oklahoma, and Macharia Yuot, Widener University.

And the 2005 Theodore Roosevelt Award Honoree: Dr. Sally K. Ride, Stanford University. (Applause)

With a dive, a jump shot or a sprint to the finish, these NCAA student-athletes have left their imprint on the world of athletics. It is here they have become champions, Olympians and conquered their personal bests. Their hearts know that being a champion means much more. It means using their education to help future generations soar.

It is choosing a career to shape the lives of others or volunteering to bring hope to a community. And it is facing life's toughest journeys with a winning spirit and inspiring us all along the way. They have embraced life's opportunities to make a difference, leaving their

imprint on the world for lifetimes to come, and that is the mark of a true champion.

Ladies and gentlemen, please welcome back Dr. Cartwright. (Applause)

INTRODUCTIONS

Ms. Cartwright: Thank you, ladies and gentlemen. It was Margaret Mead who said: "Never doubt that a small group of thoughtful, committed individuals can change the world; indeed it's the only thing that ever has." I can't think of a better way to describe tonight's honorees. As you listen to their stories, I invite you to open your hearts. You will no doubt be inspired by how lives can be changed through the spirit of NCAA athletics.

But before we begin, I would like to introduce a man who has committed his career to upholding the initiatives of the NCAA on behalf of all student-athletes. Please join me in welcoming the president of the National Collegiate Athletic Association, Dr. Myles Brand. (Applause)

I would also like to introduce to you the NCAA Honors Committee, which had the difficult task of selecting tonight's honorees and planning tonight's program. Will each of you remain standing until I have named all committee members so we can thank you for your efforts?

Committee Chair Valerie Richardson, associate athletics director/senior woman administrator, University of California, Santa Barbara; Clyde Doughty, Jr., athletics director, New York Institute of Technology; Jo Ann Harper, athletics director, Dartmouth College; Susan Hartmann, professor of history, Ohio State University; Calvin Hill, consultant, Alexander & Associates; Karen Johnson, director of institutional research, Alfred University; and Cedric Dempsey, president emeritus of the NCAA, who is unable to be here tonight.

Ladies and gentlemen, please help me thank the NCAA Honors Committee. (Applause)

Yesterday, the NCAA had the honor of awarding the NCAA President's Gerald R. Ford Award to the University of North Carolina's president emeritus, William Friday. Business has called Bill back home to North Carolina, but please join me in applauding his continued efforts on behalf of all student-athletes. (Applause)

Bill worked tirelessly to ensure that fairness and integrity prevailed on college campuses. Today, there are hundreds of thousands of individuals who fight for these same principles. They are tireless in the pursuit of freedom, not only for themselves or their countrymen, but for those who are around the world. These men and women have not let borders define those who they would give their lives to protect. Ladies and gentlemen, I ask that we all remember those among the NCAA family who have given of their lives so that we, and those around the world, can live in freedom:

James F. Adamowski

Ryan Beaupre

David Bernstein

J. P. Blecksmith

Michael Felsberg

Kimberly Hampton

Matthew Henderson

Matthew Lynch

Osbaldo Orozco

Eric T. Paliwoda

Benedict J. Smith

Pat Tillman

Ron Winchester

George Wood

Jeremy Robert Wright

Scott Zelle

Perhaps the most fitting tribute to these brave soldiers would be for all of us to continue, in our own way, their mission toward a more peaceful world. Thank you. (Applause)

INTRODUCTION OF MASTER OF CEREMONIES

We are pleased to have again as our master of ceremonies a leader in television sports reporting. He is the studio host for ESPN and ESPN2's coverage of NCAA football and basketball. And when it comes to the NCAA women's basketball tournament, he is the go-to man, providing scores and commentary on all 63 games.

He began his broadcast career in his home state of Alabama, graduating cum laude in broadcast news from the University of Alabama. And he continues to be at the top of his game. Ladies and gentlemen, it is my pleasure to introduce tonight's emcee, Rece Davis. (Applause)

Mr. Davis: Thank you, Dr. Cartwright. She is quite an act to follow. I told her earlier at dinner I was not at all worried about her presentation, but me ... that is an entirely different story. We will try to get through it tonight, and I certainly want to thank all of you for coming and for the dedication that you have to our student-athletes.

Events like this are only possible because of the NCAA's dedication to amateur athletics and intercollegiate athletics, and we certainly want to thank the more than 360,000 student-athletes that we have, and perhaps more than anything else tonight, we want to say thanks for the invention of the video digital recorder. Without the video digital recorder, I am not sure how many would actually be here and miss a segment of "Desperate Housewives." You will have an opportunity to see it at 10. If I do my job properly, we might actually get out in time to see the very end, and then you can watch the entire thing later if you recorded it.

Typically during football season, I work with Mark and Trev a lot of times. When we have an event like this, we like to work them as a unit. And I know they both would have loved to be here tonight. Mark had another engagement, and Trev, I don't know where he is. But Trev is working on a book and is a great historian of college football and the history of the game. The book is going to be published soon. I hope you will take a look at it. He is in the process of writing the book right now. It's titled "The 10 Greatest Minds In College Football, and What I Think of the Other Nine."

I am looking forward to this night because last year when I was here it made such an impression on me to see these young people and to see the people who are still young at heart who made their contribution in years past being honored at this time.

As athletes, they might be known for their Rose Bowl touchdown passes, their blistering slap shots and maybe even their feats at the Olympic games. Yes, they have left their names in the record books, and no one can take that away from them. The thing that separates them is they realize what has made them special.

Sometime it has very little to do with what happens to them on the field of play. They know it can be just putting an arm around a kid who is struggling a little bit and let him know they can accomplish something. It can help someone to discover in science that she, too, some day can travel in space and maybe go to the moon.

The people who you are going to meet tonight understand that a simple act of unselfishness on behalf of others can, as Dr. Cartwright said, change the world and change our community. When you do what I do for a living, sometimes it is easy to become a little bit cynical. You hear the stories that are unfortunate—like the Ohio State story and many others that break.

But when you have an opportunity to participate in an event like we have here tonight, you realize those negative stories are the exception. These young people are not the exception at all, but they are the rule. Most of our student-athletes, not only can compete well on

the field of play, but they do all of us proud away from the arena as well.

I have heard these stories of the people you are about to meet tonight and I have had the pleasure to interview and meet many student-athletes over my career, but very few have been able to move me and touch me like these people who you are going to meet tonight.

So, let's begin with the NCAA Top VIII. These eight young individuals have already accomplished very much on and off the field and in their lives. Their determination to excel in sports and in the athletic arena spills over into every aspect of their lives.

They set examples for the more than 360,000 student-athletes, and their example certainly will not be forgotten. They have the distinction of being the NCAA Top VIII Award winners, and you are about to see why.

Kelly Albin, University of California, Davis

At her small-town high school, this honoree starred in four sports. But when she arrived at a campus that was five times bigger than her hometown, she tried out for a sport that she had barely heard of. It turned out that a lacrosse stick was just the right ingredient to create a three-time all-American.

Video Voiceover: For Kelly Albin, the recipe for success is a simple one—don't ever believe that you can't do something. A self-proclaimed "jockette," Kelly didn't believe for a minute that she couldn't master a sport she had never experienced.

With a lacrosse stick, she quickly learned to mix it up on the field at the University of California, Davis. She became the university leader in career, season and game assists. And when she suffered a near career-ending injury, she knew that the competitor in her wouldn't let her quit. After rehabilitation, she returned to the field to compete for her final season.

When she was in the classroom, Kelly cooked up a plan to combine the two things she loved most, science and food. She graduated magna cum laude with a degree in food science with an emphasis on microbiology. But it was when she is helping others that Kelly gives us all food for thought.

She spent 12 weeks in Urubamba, Peru, working to improve the preschool and planting trees for reforestation.

Her success in everything she believes in has been heavily honored. Her awards include being named her team's most inspirational award winner, and the icing on the cake, being crowned the 2004 NCAA Woman of the Year. Kelly Albin's recipe for success has us all believing that there simply isn't anything she can't do.

Mr. Davis: Ladies and gentlemen, please welcome from the University of California, Davis, our first Top VIII Award winner, Kelly Albin. (Applause)

Kelly will receive her award tonight from Greg Warzecka, the athletics director at UC at Davis. (Applause) Kelly, congratulations.

Caesar Garcia, Auburn University

When this next honoree dives into the water, he barely makes a splash, but the ripple effects of this young man reach well beyond the walls of the pool.

Video Voiceover: When Caesar Garcia stands on the edge of the platform, his engineering mind knows that he has about 30 seconds until he hits the water at 33 miles per hour. But his competitive mind knows that he can do it better than anyone else. And this NCAA diver of the year proved it by ripping the water on his way to becoming the 2003 NCAA platform champion for the Auburn University Tigers.

And when it came to qualifying for the Olympic Games, Caesar ruled the tower, winning the Olympic trials by more than 95 points. But the diving well isn't the only place Caesar receives top scores. He was named Auburn's 2003 outstanding mechanical engineering student of the year and was honored as the university's academic Top Tiger four years in a row.

When this USA diver of the year wasn't in the pool, you could find him engineering a formula to create champions in the classroom. Caesar developed lesson plans and activities and recruited his fellow Tigers to teach local elementary children how to be champions in life. Whether it is jumping from 33 feet in the air, or sitting among the children, the ripped effects he leaves behind makes Caesar Garcia a true champion.

Mr. Davis: Please welcome one Tiger that the NCAA can't hold down, Caesar Garcia from Auburn. (Applause)

Caesar will receive his Top VIII award tonight from Jay Jacobs, director of athletics, Auburn University.

Caesar, would you like to talk to Dr. Brand about Title IX? You seem to be outnumbered among the women. Maybe you like the ratio and it's okay for you. (Laughter)

Kelly Mazzante, Pennsylvania State University

Indiana University's scoring phenom Calbert Cheaney had reason to fear this next honoree. She not only became the all-time female leading scorer in Big Ten basketball history, she also shattered the men's record by topping Calbert's tally. She has proved that anyone in a basketball jersey should be afraid of No. 13.

Video Voiceover: Triskaidekaphobia, an intense fear of the No. 13. It is the number that Kelly Mazzante wore throughout high school and at Penn State, and it struck fear in her competitors. But to Kelly, there was never a more lucky number.

She dominated the course in the Big Ten, becoming the Big Ten freshman of the year and a two-time Big Ten Conference player of the year. Give her the ball, and the "Mazzante Meter" goes up. Fans in the stands counted off her points as their fearless No. 13 inched her way toward basketball infamy.

With more than 2,900 points, there is no other basketball player in Big Ten history, male or female, who has scored more.

While her basketball legacy lives on through the first Lady Lion bobblehead and highlight DVD, she has also created her own legacy in the classroom as the 2004 academic all-American of the year.

But to her friends at Easter Seals, she is simply a friend. A four-year volunteer, Kelly helped special-needs children gain confidence through therapeutic horseback riding. Today, this small-town girl is living out big city ambitions. She is a member of the WNBA's Charlotte Sting. She now wears No. 31 instead of 13, but you can be sure that when Kelly Mazzante steps onto the court, her opponents know that there is much to fear.

Mr. Davis: One of the great scorers in the history of college basketball from Pennsylvania State University, Kelly Mazzante. (Applause) Kelly will receive her Top VIII Award tonight from Tim Curley, director of athletics, Pennsylvania State University. (Applause)

Kay Mikolajczak, University of Wisconsin, Oshkosh

Athletics and physical fitness has always been the foundation of this next honoree. And when she graduated, she made sure the building blocks for other's wellness were set in stone.

Video Voiceover: Two-sports, one goal—to be the best. And when it comes to achieving her goal, Kay Mikolajczak can be very persuasive. A conference javelin champion, Kay's endurance in the heptathlon event made her a two-time all-American. Her performance helped lead the University of Wisconsin, Oshkosh, Titans to the 2004 NCAA Division III Outdoor Track and Field Championships crown.

But it was on the basketball court where her powers of persuasion were unstoppable. In just three seasons at center, she amassed more than 1,000 points and shattered the university's career-blocked shots record. But on the court is not the only place she made her point.

Knowing the benefits of physical fitness, as president of the student-athlete advisory committee, she successfully persuaded students to vote for a new \$21 million student recreation and wellness center.

Kay is used to being the center of attention on the court, but she has also received a lot of attention away from it as well. She was awarded the prestigious Josten's Player-of-the-Year Award and was named Wisconsin's NCAA Woman of the Year state honoree.

After graduating with a near 4.0 GPA, Kay took her athletics persuasions around the globe. She is a member of the top division basketball team in the Danish National League in Norway. And when it comes to her sports and the wellness of others, Kay Mikolajczak certainly makes her point.

Mr. Davis: From the University of Wisconsin, Oshkosh, Kay Mikolajczak. (Applause) Kay will receive her award tonight from Richard Wells, the chancellor of the University of Wisconsin, Oshkosh. (Applause) Kay apparently has pull. Everybody else is bringing the athletic director, but she went right to the chancellor. She has to be a heavy-hitter to bring the hardware. You don't mess around.

Ogonna Nnamani, Stanford University

When this honoree's parents moved from Nigeria to the United States, they were hoping to provide a better education for their children. How far their journey has taken them is realized in their daughter, who now represents the best in the classroom and on the volleyball court.

Video Voiceover: When Ogonna Nnamani is on the volleyball court or in the classroom, she is a promise fulfilled. With the promise of a better education, Ogonna's parents moved from their native Nigeria to the United States.

Their journey around the world eventually paved the way for Ogonna to arrive at Stanford University with a volleyball in hand. Don't let the million-watt smile fool you, she is all business when the whistle blows.

This 2004 national player of the year posted more career kills and attack attempts than any female in Pac-10 history. And last month, it was Ogonna's killer instincts—in fact, a record number of them—that helped the Cardinal capture the 2004 NCAA Division I championship crown.

She capped her collegiate career with national player-of-the-year honors. Her natural ability to command the ball earned her a spot on the 2004 U.S. Olympic volleyball team, and a trip to Greece. But education still remains key to this academic all-American.

She graduated last month with a human biology degree and hopes to become a doctor one day. Her devotion to her community also speaks volumes about Ogonna. She is an oral communication tutor and motivational speaker at elementary and high schools. No matter which journey Ogonna chooses to take in life, she certainly has a promising future.

Mr. Davis: Please welcome our next Top VIII Award winner, Ogonna Nnamani from Stanford University. (Applause) Ogonna will receive her Top VIII Award tonight from Debi Gore-Mann, senior associate athletics director, Stanford University. (Applause)

Debi and Ted Leland from Stanford were telling me today that when they talk to their student-athletes for the various media guide, one of the questions they ask them is who is your favorite Stanford athlete? Across campus, out of all the athletes in all sports, it seems that Ogonna got more than 40 percent of the votes from all the athletes across campus. Her presence, not to mention her athletic ability, will be missed.

Angela Ruggiero, Harvard University

This next honoree was ranked as the No. 1 hockey player in the world by the Hockey News, and when she took a trip to the other side of the globe, she had a clear goal in mind that had nothing to do with hockey.

Video Voiceover: As a young player, Angela Ruggiero was easy to spot on the ice. She was the one with the ponytail. Playing on an all-boy's league, young Angela had but one goal in mind—to become a champion.

Skating for Harvard University, Angela helped clinch the ACHA championship title her freshman year. By the time she left the Harvard ice, she was the best player in the nation, a four-time all-American who posted 253 points—the most points ever by a defensive player.

Add this to Angela's stellar performance in the classroom, and you have the 2004 Harvard student-athlete of the year. When Angela's goal was the Olympic Games, she fought her way to two Olympic medals.

In 1998, she helped the U.S. capture the first-ever women's hockey Olympic gold. In 2002, Angela brought home the silver medal from Salt Lake City.

And when her goal was to give something back to others, she went halfway around the world. A mission trip on behalf of the Right to Play organization took Angela to the back roads of Uganda.

Using sports as a bridge, Angela helped educate disadvantaged children about important health issues such as AIDS. The children of Uganda might not have known that the woman playing games with them was our nation's best college female on the ice, but they did know that she was their champion. And that was Angela Ruggiero's best goal ever.

Mr. Davis: Ladies and gentlemen, please welcome from Harvard University, Angela Ruggiero. (Applause)

Angela will receive her Top VIII Award tonight from Robert Scalise, director of athletics, Harvard University. (Applause)

Kelly Wilson, University of Texas at Austin

Even in first grade, it was clear that our next honoree was something special. Her teacher noted that she brought a competitive spirit to the classroom. She always wanted to finish her work first, and then ask the teacher what else she could do to try to get ahead. And getting ahead is exactly where she stands today.

Video Voiceover: Her first goal came when she was only 4 years old and Kelly Wilson hasn't stopped since. On the soccer fields of Texas, Kelly developed her speed and tenacity as the lone girl in the all-boy league until her teens.

Her ability to outmaneuver her opponents caught the attention of coaches at the University of Texas at Austin. Her "catch-me-if-you-can" speed mixed with her deadly aim made this two-time all-American one of the premier offensive forwards in the country.

She led the Longhorns to four consecutive NCAA tournament bids. And when the game was on the line, it was Kelly who the team looked to.

She holds the school's career record for game-winning goals and career points. Kelly also took her game to the national level. She is a four-year member of the United States national team.

When she gives her cleats a rest, she is often found helping sick and disabled members of her church or serving as a guest speaker at special events.

And don't mess with this Texan in the classroom. This academic all-American graduated last month, in just 3 1/2 years, with a near-perfect grade-point average and a double major in education and kinesiology. As Kelly Wilson continues through life, you can be sure that she always has her goal in sight.

Mr. Davis: It's a home game tonight for Kelly Wilson from the University of Texas. (Applause) Kelly will receive her Top VIII Award tonight from Chris Petrucelli, head women's soccer coach, University of Texas at Austin. (Applause)

Tara Kirk, Stanford University

The next honoree in the pool will fade, but the mark she has left on the sport of swimming will remain forever.

Video Voiceover: Whenever Tara Kirk hits the water, a wave of success is sure to follow. It is a wave she has ridden all four years at swimming powerhouse, Stanford University. And like a force of nature, Tara dominated the breaststroke event. In fact, in the 100-yard breaststroke she was unbeatable.

Not only is she the first swimmer ever to become a four-time NCAA champion in the event, she never lost a single race in that event during her collegiate career. Add the 200-yard breast and medley relays to the mix, and you have an 11-time NCAA champion.

With six American records and one world record, this 2004 Olympian left her mark in the record books with a capital T. But Tara is determined that the mark she leaves behind will be more than a list of records she has shattered along the way.

She has helped guide young swimmers at clinics and is a volunteer for the Special Olympics. She also created an e-mail mentoring group for swimmers.

A champion in the classroom, Tara will graduate this summer with a degree in human biology, and a master's in anthropology, proving that Tara Kirk's wave of success has yet to crest.

Mr. Davis: Another remarkable young lady and a remarkable resume, Tara Kirk from Stanford. (Applause) Tara will receive her Top VIII Award tonight from Richard Quick, the head women's swimming coach at Stanford University. (Applause)

Now, on behalf of all the Top VIII Award winners, Tara Kirk. The microphone is yours.

RESPONSE—TARA KIRK

Tara Kirk: Thank you, Richard, and thank you to the NCAA Honors Selection Committee for this wonderful award. I am honored to speak to you on behalf of my fellow award winners. The eight of us have been recognized for our individual achievements in academics, athletics and community involvement.

While there could be no argument that our success has been the result of incredible will power and individual initiative, we must recognize those who have helped us to become the well-rounded people who you have chosen to recognize.

In swimming, at the beginning of the race, I stand on the block alone. It is my body that swims that race. It is my hand that touches the wall and my name that is at that title time. It seems that swimming is a lonely sport, but then so are many other sports.

So often even in team sports, the media breaks the game into a series of plays by an individual athlete. But if you look more closely, you realize that no athlete stands alone. There is a group of people who stand invisibly beside you, on the block, on the diving platform, on the court, in the arena or on the field.

The coach who swims every race, plays every play and puts his or her whole heart in the performance of their athletes. There is the athletics departments and donors who make sure that each of us has the facility, equipment and organization to concentrate on our respective sport.

We have all had teammates who have pushed us in practice and cheered for us in competition, making themselves heard even under the water, and then ultimately friends and families actually who have helped to keep us sane and happy, and who occasionally have driven us to practice at 5 a.m.

I could go for days naming the people who have contributed to our success, but there are also those who I cannot name—those people who are behind the scenes who work to ensure the success of college athletics. On second glance, on the line with my name and my time, you can see something else—Stanford.

On swimsuits and uniforms, you can see similar names that will say Auburn, Harvard, Texas, Wisconsin, UC Davis or Penn State. These all show affiliations that we belong to a group that supports and sustains us. Beyond all that, we have all been a part of a single, wonderful organization that has provided us with an opportunity to shine, an organization that encourages competitive greatness and that pushes us to strive for the same excellence in academics as athletics, an organization that makes college athletics so much more than just sports—the NCAA.

So, tonight I would like to thank you, not only on behalf of my fellow honorees, but on behalf of all our teammates and friends who have benefited from your dedication. We live very lucky lives to have such love and support.

I will miss college athletics more than you can know. Thank you, and enjoy the rest of the evening. (Applause)

Mr. Davis: I would like to take a moment to ask all of our Top VIII Award winners to stand. You have left such a lasting impression on all of us. Let's welcome them one more time and congratulate them with a nice round of applause.

[The assembly extended a prolonged standing ovation.]

Thank you. You may resume looking stately as you were instructed to do in rehearsal. You are doing a fine job. Me ... not so much, but you are doing fine.

SILVER ANNIVERSARY AWARDS

This brings us to our next honorees, the Silver Anniversary honorees. It's been 25 years, although you couldn't tell it by looking, because they don't look that old. Twenty-five years ago, they completed their NCAA eligibility, but the competitive spirit that drove them to greatness in college certainly wasn't left behind on graduation day or when they played their last game.

You will no doubt remember the successes they had in sports, but as they traveled through life the past quarter of a century, these honorees have become champions on even a larger scale, unselfishly dedicating their time, their finances and their spirit to the needs of others.

We will begin tonight with a magical moment in sports, where the world seemed to stop spinning, and just for a moment made us all believe in miracles.

Mark Johnson, University of Wisconsin, Madison

Video Voiceover: The son of a hockey coach, Mark Johnson seemingly grew up with skates on his feet and the Badger mascot on his chest. All that time at the rink made him a champion and a legend.

At Wisconsin, this two-time all-American became one of the greatest scorers in Badger history, leading them to the 1977 NCAA championship title.

And when the 1980 U.S. Olympic team needed a miracle, they turned to Mark. In what would become Sports Illustrated's "Greatest Sports Moment of the Century," Mark and his teammates tumbled a seemingly unstoppable force.

As the leading scorer on the Olympic team, it was Mark's two goals against the Soviet Union and the game-winning assist in the gold medal match that truly made it a "miracle on ice."

But this gold medal Olympian wasn't ready to hang up his skates just yet. He went on to play 11 years in the National Hockey League and two seasons in Europe. Even today, he is never far from the ice, as head coach of the University of Wisconsin's women's hockey team.

He is also not done working miracles. He was recently honored with the 2004 Vince Lombardi Award of Excellence for his tireless work for charity. When it comes to miracles, Mark Johnson makes them happen both on the ice, and for others.

Mr. Davis: Our first Silver Anniversary Honoree, Mark Johnson, from the University of Wisconsin. (Applause) Mark will receive his Silver Anniversary Award tonight from Jamie Pollard, the deputy athletics director at the University of Wisconsin, Madison. (Applause) It is a good thing we have NCAA hockey. That other kind seemed to disappear for some reason.

Paul McDonald, University of Southern California

When it comes to fatherly advice, football hero Paul McDonald has quite a bit to offer to his aspiring quarterback son. Perhaps the first advice he would give him would be to stop and smell the roses, Rose Bowl style.

Video Voiceover: Perhaps no rose smelled as sweet to Paul McDonald than the ones he fought for on the field. As quarterback for the USC Trojans, this football phenom led his team to two Rose Bowl victories. And in 1978, his heart-stopping pass plays and sly hand-offs propelled the Trojans to a national championship victory.

This left-handed Heisman Trophy nominee soon captured the attention of the NFL and the Cleveland Browns. After eight seasons of professional football, Paul traded in his shoulder pads for a business suit and a microphone.

When he isn't making deals as a director at First American Title Insurance Company, you can find him at Memorial Coliseum. Now, instead of using his golden arm on the field, he uses his golden voice as a radio color commentator for USC football.

Paul is also a voice for those who face even tougher opponents. He is a founding member of StreetSmart Kids, an organization dedicated to teaching children how to stay safe from potential dangers.

Through music and games, this FBI-endorsed campaign has created a safer and better place for our children. His goal is to have the campaign's "Guardian Game" in the hands of every child in America.

Although Paul McDonald's Rose Bowl days are behind him, he is still giving others a chance to smell the roses.

Mr. Davis: From the University of Southern California, Paul McDonald. (Applause) Paul will receive his Silver Anniversary Award from Parker Kennedy, chief executive officer, First American Title Insurance Company. (Applause) I really want to introduce Paul as the greatest left-handed quarterback in USC history, but that Leinart kid turned out to be okay, too. The second best, I am sticking to that.

Greg Meredith, University of Notre Dame

We have all heard it is better to give than to receive. Well, for our next honoree, that philosophy is at the heart of his foundation.

Video Voiceover: It didn't take long for this Canadian hockey star to emerge as the cornerstone of the University of Notre Dame's hockey team. As soon as Greg Meredith hit the ice, his lethal combination of defensive moves and record-setting scoring left his competitors frozen in their tracks.

Greg led the Fighting Irish in goals and points scored, but he was equally concerned about the points he made in the classroom. This Rhodes Scholar finalist graduated with a perfect GPA in finance. But the world of finance would have to wait. Greg still had some business to take care of as a member of the Canadian national team and the NHL's Calgary Flames.

After retiring from hockey, Greg quickly emerged as a leader in the finance and investment arena. And while Greg is a whiz at investing dollars and cents, he is a master at investing in the future of others.

In 1997, Greg and his family formed the Meredith Family Foundation. The foundation has provided financial support to many charities, including those that support cancer

research, education and children with disabilities. Knowing that not everyone skates through life easily, Greg Meredith is able to give them a firm foundation to stand up.

Mr. Davis: From the University of Notre Dame, Greg Meredith. (Applause) Greg will receive his Silver Anniversary Award from Charles “Lefty” Smith, the former head ice hockey coach at the University of Notre Dame. (Applause)

Joan Benoit Samuelson, Bowdoin College

When the state of Maine was hit with snow and ice, most people waited out the storm inside, but not this Silver Anniversary honoree. With her running shoes on and ready to train, this marathoner waited for the salt trucks and then ran behind them, leaving behind the footprints of a champion.

Video Voiceover: In many ways, Joan Benoit Samuelson became the greatest American marathoner in history quite by accident. After a skiing accident, she used running as a way to strengthen her legs. Soon she was running down a path no woman had ever traveled before.

At Bowdoin College, Joan was a forward on the field hockey team, but it was her speed on the long-distance courses that made her a four-time all-American. During her senior year, she won the first of two Boston Marathons in world-record time.

And just 17 days after surgery, Joan won the Olympic trials and the chance to compete in the first-ever women’s Olympic marathon. When Joan entered the Olympic Coliseum for the last stretch of the run, she was all alone. With her competitors far behind, she crossed the finish line to become the first women’s Olympic marathon gold medalist.

Joan instantly became both a hero and a willing role model for others. Her belief in sports and community are entwined in her long list of volunteer efforts, including co-chairing the Governor’s Council for Physical Fitness, Sport, Health and Wellness, and founding a world class 10K road race benefiting children’s charities.

She has also penned two best-selling books and conducts clinics around the globe. But even as she shares her knowledge with future champions, it just seems that some footprints, like the ones Joan Benoit Samuelson has left, will remain forever.

Mr. Davis: Please welcome our next Silver Anniversary Honoree, Joan Benoit Samuelson from Bowdoin College. (Applause) Joan will receive her Silver Anniversary Award from Barry Mills, president of Bowdoin College. (Applause)

Now, it was a great Olympic memory there, wasn’t it?

Dave Stoldt, University of Illinois, Champaign

This next Silver Anniversary honoree has competed in five triathlons, stood on the highest point in 46 states, and even climbed Mount Kilimanjaro. He’s used to taking chances, but then again as they say—nothing ventured, nothing gained.

Video Voiceover: To become a gymnastics champion, it takes a bit of risk taking and passionate commitment, something Dave Stoldt has in abundance. At the University of Illinois, his flare for the pommel horse propelled him to two Big Ten titles and crowned him the 1980 NCAA national pommel horse champion.

It turned out that Dave also had a flare for the classroom. After graduating with honors in engineering, Dave went on to earn master’s degrees at the University of California and Stanford University.

In the financial world, he quickly emerged as a leader with his “have no fear” ability to take chances with successful results. But his theory of nothing ventured, nothing gained is most evident when he is working on behalf of others.

He recently became one of the organizers and founding financial contributors to the Fighting Illini’s men’s gymnastics endowment fund. And as a local school board chairman, you can often find him with a book surrounded by a sea of young students.

Dave's legacy of generosity even hits home. This summer, he swam alongside his son to raise money for breast cancer in honor of a family member.

To Dave Stoldt, the greatest adventures are the ones where everyone stands to gain.

Mr. Davis: Dave, did you ever walk anywhere? Can you do a flip for us? Ladies and gentlemen, Dave Stoldt from the University of Illinois. (Applause) Dave will receive his Silver Anniversary Award from Kent Brown, sports information director, University of Illinois, Champaign. (Applause)

Dave, congratulations.

This next honoree lives in Hong Kong and serves on boards in Korea, Australia and Taiwan, making it very clear that his success knows no boundaries.

Gary Lawrence, Yale University

Video Voiceover: Grab your passport and hockey stick if you want to keep up with Gary Lawrence. As a member of the Yale University hockey team, he helped map out a plan to take his teammates to their first conference playoff appearance in seven years. And a map is exactly what he needed after graduation.

This Rhodes Scholar headed to Oxford University and then on to law school in Canada. Gary knew that the entire globe could be his classroom. His volunteer work led him to the Peruvian Amazon Basin where he helped to build a school and worked alongside Smithsonian scientists.

His global efforts also took him to Guyana, South America and Costa Rico. Today even his business has a global flavor. He manages more than \$230 million as founder of the investment firm Excelsior Capital Asia.

But his beloved hockey stick is never very far. He directs the leading youth hockey club in Hong Kong. He believes that there are many bridges to cultural education and interaction, and sport just may be the best bridge of all.

When it comes to his love of hockey and his desire for global unity, there simply are no boundaries for Gary Lawrence.

Mr. Davis: Please welcome from Yale University, Gary Lawrence. (Applause) Gary will receive his Silver Anniversary Award from Tim Taylor, head men's ice hockey coach at Yale. (Applause)

And now I would like to invite Gary to the podium to speak on behalf of all of our Silver Anniversary honorees. Gary.

RESPONSE—GARY LAWRENCE

Mr. Lawrence: Wow! Thank you very much. For myself and on behalf of my fellow honorees, I thank the members of the NCAA Honors Committee. We are overwhelmed and incredibly honored to be here tonight to be recognized for this prestigious award.

I am pleased and I am humbled to be speaking on behalf of a group of incredibly accomplished individuals, among them Olympic gold medalists, national collegiate champions, all-Americans, countless other awards and accolades and, of course, other hockey players.

Joan, Paul and Dave have suggested that there is a conspiracy. I can only say that I would have been a much more productive collegiate right-winger if I had played on a line 25 years ago with Mark Johnson and Greg Meredith. I am also deeply impressed with the commitments and accomplishments of the other honorees up here on the platform tonight.

Joan noted earlier she is the only woman among the Silver Anniversary Award winners, but for the other honorees, the pendulum seems to have swung back the other way. My wife is constantly telling my 12-year old that women who aspire to be equal to men lack ambition. (Laughter)

We six honorees are the ones up here, but the awards and the accomplishments the past 30 years are as much a tribute to family members, coaches and teachers who guided us in the past. In so many ways, it is they who are being recognized and honored here today.

Their teachings, discipline and support have contributed immensely to who we are. Without a doubt for me, it was Bill and Jean Lawrence, my parents who anchored me, and it was my wife, Sue, and my children who kept the anchor secure. So many others have contributed to life's experiences and teachings, and each of your supporters have influenced our values and instilled in us a sense of commitment that serves as a compass in all of our life's activities.

In our Hong Kong youth hockey program—Hong Kong and ice hockey, some people think that sounds like a contradiction in terms—we stress sport not as an end in itself, but as a means to teach commitments, sportsmanship, goal setting and teamwork.

This was how the sport was taught to me, no more so than by Tim Taylor, the Yale hockey coach well-known for his many contributions to USA hockey. Tim had a clear expression of commitment and dedication. Learning how to find it inside yourself when your mind is trying to say it is not possible, and ultimately succeeding in re-setting your horizon, learning if you focus on little things, every one of your teammates does his job, that many small victories can lead to great successes.

These many lessons of sports are equally valuable in career and life. As we have been guided by our supporters, it is our responsibility to provide similar guidance and support to those who look up to us.

Around the world, the responsibilities and opportunities of those involved in sports today are of increasing importance. Living and working throughout Asia in the past 10 years, we see every day the benefits, but also the conflicts of globalization—escalating tensions in the Middle East, in the Ukraine, emerging China, the Korean Peninsula and other parts of the world. We see evidence from the clash of different ways of life that is an inevitable consequence of globalization.

As America and other world nations seek ways to bridge these tensions, the proliferation of sports can make a profound contribution to establish common ground against different ethnic, religious and ideological groups where other efforts will fail.

There is an infinite number of compelling examples. Most recently, the Iraqi soccer team, the Greece Olympics, the World Cup in Korea and Japan, and the way that brought people together. The numerous sport international competitions—amateur and professional—held annually around the world.

As leaders of world sports, America's sporting institutions are making and have made a very big impact. With everyone making a contribution, however small, through the sport of their passion, achieving many small victories can lead to great successes.

I would like to end with a simple description of one youngster who was part of our youth hockey program last year. The description underscores the ability of sporting experience to transcend boundaries. The youngster's name is Eddie Marrow. Eddie is 12 years old.

He was born in a rural community in Africa. He learned to play ice hockey in Hong Kong. His favorite player is Dusan Halloun of the Czech Republic, and when the French language side of Canada's CBC researches a clip on hockey in Asia, Eddie steals the show. His maternal language is French.

Then to watch Eddie compete for Hong Kong, with other kids of mixed nationalities—Chinese, Canadians, Americans, other Europeans, Japanese—against the youth ice hockey team that was visiting from the Gulf, and to watch these kids' interaction after the game together and Eddie telling stories at dinner says a lot about the awesome power and potential of the sport.

To my parents and the members of my Yale University family, Tim and Barbara, and the important family teachers and coaches, supporters of my fellow honorees, we thank you for all you have done. On behalf of the Silver Anniversary class of 2005, we accept this award with sincere gratitude. Thank you very much. (Applause)

Mr. Davis: As we did for the Top VIII Award winners, I would ask all of the Silver Anniversary Award winners to stand so we can properly thank you for all of your accomplishments.

[The assembly extended a prolonged standing ovation.]

INTRODUCTION OF INSPIRATION AWARD WINNERS

Mr. Davis: That is quite a group, and I have a feeling that 25 years from now we might be seeing a return engagement to hear some of the young people we have met tonight.

Let's meet tonight's Inspiration Award honorees. This award may be presented to a current or former student-athlete, coach or administrator who has faced a life-altering situation with the spirit of a champion.

Tonight we will meet three such extraordinary people. They share with us their very personal victories and inspire us with their unwavering determination to excellence.

Kaia Jergenson, Lipscomb University

Prayer is part of the fabric at Lipscomb University, and it is that fabric that warmly wrapped itself around Kaia Jergenson.

As a freshman, Kaia made an immediate impact on the Lady Bison basketball team. She was averaging 12 points a game. After a Christmas break practice, she began to feel like she had the flu. By morning, she was unconscious and clinging to life.

Doctors quickly diagnosed Kaia with meningococcal septicemia and it was destroying her body.

Kaia's parents turned to the Lipscomb community and asked for their prayers for their daughter, and the student body more than answered the call. They quickly organized an around-the-clock prayer vigil.

Kaia spent several weeks in a coma, but her athletic body never gave up. To save her, doctors were forced to amputate her legs below the knee and remove four fingers of her right hand. When she awoke, her life had changed but her glowing smile and determination never wavered.

She faced many obstacles, adjusting to her wheelchair and later to prosthetics, but each step was a victory much sweeter than any last-second jump shot could have been.

When Kaia returned to campus after months of rehabilitation, the students were again praying for her, and when Kaia stood up to address the entire student body, they knew that their prayers had been answered.

While Kaia Jergenson, who will graduate in August, once stood as a symbol of basketball greatness on campus at Lipscomb, she now stands as a symbol of inspiration and the power of prayer.

Ladies and gentlemen, Kaia Jergenson from Lipscomb University. (Applause) Kaia will receive her Inspiration Award from Frank Bennett, the head women's basketball coach at Lipscomb University. (Applause)

RESPONSE—KAIA JERGENSEN

Ms. Jergenson: I would like to thank the NCAA and the Honors Committee for this award. It is an honor to be here, especially since Lipscomb was new to the NCAA last year. I want to thank Lipscomb University for so many things that I know this school has meant to me.

The way they have treated me and the kindness they have shown me is something I will ever be grateful for. I would like to thank Dr. Garner and coach Bennett, and coach Snell in helping me, and all of the representatives of Lipscomb.

Also, I have to say a special thanks to the women's basketball coaching staff. They have been there for me through everything, and they are amazing people as well as coaches. Without them as role models, I don't think I would be where I am today. I need to thank them for letting me hang around so long to be manager, but they won't have to worry about that because in August I am going to finally graduate.

I want to thank my friends and my own teammates, and the doctors, nurses, therapists and all others who have helped me in my recovery. I played soccer, and it wasn't until I was 11 that I started to play basketball. I was skinny and very clumsy, and I didn't play very much. I was determined to get better. So that summer I signed up for every single basketball camp that I could find, and I made the team when I was a freshman and played on the varsity team.

My team and I worked very hard, and we won the state championship our senior year. Then I received a scholarship at Lipscomb. I have learned many valuable lessons from participating in sports that have continued to help me in my experience in life.

During my experience with this illness, I have learned to value little victories, like the first time I could use the bathroom by myself, or the first time I could feed myself. These are things that people do every day, but they take the ability for granted.

I celebrate the daily victories, and I am very, very grateful. As far as myself, I have to remind myself how far I have come because I am kind of a perfectionist. I try to pressure myself, and sometimes I have to stop and look back and realize it is not that we have goals, but that change doesn't happen overnight. Obviously, it took more than a night for me to excel in basketball.

I am sure that some of you may have noticed I have not mentioned my family. Well, I was saving that for last. They are my strength. They are what keep me going. They give me a swift kick in the pants or a hug when I need it. Finally, I thank my parents and family friends for being here tonight and sharing this with me.

[The assembly extended a prolonged standing ovation.]

Mr. Davis: Thank you, Kaia.

Michelle Thomas, University of Oklahoma

For this cross country and indoor and outdoor track star, the early-morning grueling practices is the easy part. Sometimes, the hardest part would be just getting there. While many of her peers at the University of Oklahoma were sleeping late, Michelle Thomas was hustling her 5- and 7-year-old nieces through breakfast and off to school.

When her sister was sentenced to jail, Michelle opened both her door and her heart to her nieces. Her nieces lived with Michelle and her pregnant twin sister in a busy and happy and stable environment on campus. But in a span of two weeks, her spiritual and mental strength would be tested. Her twin sister faced serious health problems, and just days later Michelle's oldest sister was tragically murdered.

Funeral arrangements and expenses fell to Michelle and her twin sister. They used every dollar they needed for school to pay for a respectful funeral. With no money and two small children in tow, Michelle turned to her extended family—her coaches—and they gave her help. Today, Michelle and her sister and two nieces all live together near campus in Oklahoma.

Throughout all of her struggles, Michelle became an academic all-American and will graduate with a degree in microbiology this spring. In her stellar running career, Michelle Thomas was used to being the anchor of a relay team. But it is her performance as the anchor of her family that truly sets her apart and makes her a champion.

Please join me in welcoming Michelle Thomas from the University of Oklahoma. (Applause) Michelle will receive her award from Joe Castiglione, the director of athletics at Oklahoma. (Applause)

RESPONSE—MICHELLE THOMAS

Ms. Thomas: Thank you. Martin Luther King Day, January 19, 2004—a day to celebrate a dream of non-violence and peace. I was at practice at 7 a.m. when two police officers walked onto the track and unbeknownst to me they had talked to my coach, Rodney Rothoff. After they left, Coach Rothoff came over to me and he gave me the news that my older sister was murdered.

Upon receiving this news, my life had changed. Two things were given to me at a time when I had just gotten a handle on raising two little girls, going to school and pursuing a degree in microbiology. I had to go home and help arrange and plan for my sister's funeral.

I am here today because I gave. I gave everything I had to cover the cost of the funeral, to ensure a proper home-going for my sister. I was at a loss in terms of meeting the financial obligations of the funeral, but one thing I was certain of, God would not forsake me now. His blessings had sustained me time and time again. I saw no reason for him to forsake me. I had been blessed, I truly have been blessed.

The University of Oklahoma is a fine institution with a great sports program, but to me it is much, much more.

When I returned from having laid my sister to rest, I was behind. I was behind in my course work. I was behind in practice. I was behind in bills. Seemingly, I was behind in my surrogate parenting skills.

It was so easy for me to hang up the spikes and give up, but OU, with its caring and compassionate faculty, staff and administration would not allow me to give up. Indeed, their unwavering support, both emotionally and financially, was a pillar that sustained me throughout the trauma of losing a beloved sister.

In all honesty, I don't think I would be here today if it were not for these tireless efforts of the coaches, counselors, faculty, students and administrators. These individuals were truly members of my extended family, and I am utterly appreciative of all they did for me in my time of need.

Even though the university was paramount in supporting me during this time, I would be remiss if I did not acknowledge an individual I affectionately refer to as my better half—Kimberly, my twin sister. She was so helpful that to me she is just as deserving of the distinction I am being honored for tonight. She is in the audience, and I would like to publicly offer her a heartfelt thank you. Thank you, Kim.

I also want to thank all my friends who were there to offer assistance and encouragement and support as well. You, too, have a permanent place in my heart. In addition, I would like to thank my family. Without them, I am nothing. My mom and my dad and my brothers and my sisters, they have all given me strength throughout my life to continue and to fight.

With all of these stellar examples of support, I accept the NCAA's 2005 Inspiration Award. More importantly, I accept this award in memory of my dearly missed sister.

Ten days from today will be the first-year anniversary of her untimely death. As this anniversary approaches, I will think of Kia's compassion for others, her optimism in the face of overwhelming obstacles, her perseverance, her tenacity and zest for living. These qualities I hope to emulate as I aspire to be the best person and student I can be.

To the NCAA Inspiration Award Selection Committee, I want you to know that I appreciate the confidence you have in selecting me for this award. Thank you.

[The assembly extended a prolonged standing ovation.]

Mr. Davis: Thank you, Michelle.

Macharia Yuot, Widener University

When the coach at Widener University spotted Macharia Yuot at a Pennsylvania high school track meet, it wasn't his speed that caught his eye. It was as if he had a lot of heart.

What the coach didn't know was that it was the heart that carried him through one of the most treacherous journeys anyone could ever imagine.

Macharia is one of the 26,000 "Lost Boys of Sudan" who were violently forced from their families and villages in the late 1980s during the time of religious unrest in Africa.

Macharia was only nine years old and one of the "older" boys who was forced to journey 1,000 miles walking through three African countries. Their only relief came when the Red Cross was able to drop them supplies, drop them food and drop them water.

Those who survived the walk found a peaceful land and hoped someone would welcome them. When the chariot reached a refugee camp in Kenya, he embraced the schooling that was offered and dreamed of a better world.

In 1999, the United States government began transferring thousands of the boys to America. All Macharia knew was that he was going to a place called Pennsylvania. Here he found a home and here he found a track team. His journey led him to Widener University, where as a junior he is already a five-time all-American and two-time Middle Atlantic Conference cross country champion.

No matter how many races he runs and no matter how many times he wins, Macharia knows that he has already won the most important victory of all, the victory of survival.

Ladies and gentlemen, please welcome Macharia Yuot from Widener University. Macharia will receive his Inspiration Award from Vince Touey, the head cross country and track and field coach at Widener University. (Applause)

RESPONSE—MACHARIA YUOT

Mr. Yuot: Thank you very much. I would like to give thanks to members of the NCAA for receiving this award. I would like to thank President Harris of Widener University, the community that helped me along my journey. I would like to give a special thanks to Dr. Duda, who worked with me in preparing for the challenges for college before I became a student at the university.

I would like to give thanks to Jewel Lockney for helping me to plan courses and making it happen. Francis Carr has been such a friend and an academic source through my years at Widener. He has helped me with my academics.

Finally, I would like to give thanks to the coach of cross country and track. Without his support, I would never have realized my potential. It has been said that the toughest journey begins with single steps. I am not sure of that, but I didn't believe my journey from Africa would bring me to where I am standing today, but it has.

I am not used to giving a speech, so I will take my own advice in the message I am about to give you. That message is to let yourself be open and life will be easier. If a person is willing to accept those obstacles, life flows their way and allows the journey to be lighter.

By accepting the last obstacle and completing a single lone journey, a person has the ability to create their own destiny. The biggest piece of creating one's own destiny follows the simple pattern I am about to give you and I have used throughout all my life.

You have to do this tonight. Think big. Think big and see what happens. Make a successful case in your mind where you are setting out to do something special. As you maintain those big thoughts, you will be fine with a challenge that calls upon you to answer if your determination to succeed is backed up by this desire to act in determination. This will make you a successful person who can achieve anything.

Regardless of where your life's journey takes you, in every opportunity there are obstacles placed before each of us. It is very important to remember to think big and talk big, then things will start to happen. Thank you very much.

[The assembly extended a prolonged standing ovation.]

PRESENTATION OF THEODORE ROOSEVELT AWARD

Mr. Davis: Remarkable stories, wouldn't you say? (Applause) It has been quite a night.

Now, we turn our attention to the presentation of the Theodore Roosevelt Award, the highest honor awarded to any individual by the NCAA.

If you had to sum up tonight's honoree in just one word, it would be "stellar." Not only does she lead us to the stars, she is making sure that young girls will be ready to face a world of technology and sciences.

Ironically, it was a small newspaper ad that changed the course of this honoree's life and re-shaped America's space exploration forever. The ad announced that NASA was accepting applications for space shuttle astronauts.

Eight thousand people applied, but only the best, and only the very best, were chosen. When Dr. Sally Ride boarded the Space Shuttle Challenger in 1983, she not only led America's women into space on that historic mission, she made sure that others after her could follow along for the ride.

Video Voiceover: When the Space Shuttle Challenger soared into orbit, Sally Ride became the first American woman in space. But her explorations didn't end when she landed. In fact, exploring has been her passion all along.

At Stanford University, her love of science helped her soar in the classroom. She earned degrees in both English and physics, and her master's and Ph.D. in physics soon followed. And if it wasn't a voltmeter in her hand, it was a tennis racket.

As a member of the tennis team at Stanford, Sally could serve a tennis ball like a rocket. She was the university's No. 1 singles player and a conference champion. This outstanding athlete even considered a career in professional tennis. But instead, she decided to reach for the stars.

When NASA looked for aspiring young scientists to fly in their newest space shuttle, there was no star brighter than Sally. Sally's launch changed forever the face of America's space program. Now it included women.

And in a second shuttle flight in 1984, Sally and her fellow astronauts spent nine days in space. Traveling at more than 17,000 miles per hour, they circled the earth in just an hour and a half. Sally was set to embark on a third flight when tragedy struck and the space shuttle fleet was grounded. Sally was called upon to investigate the Challenger accident as a member of a Presidential commission.

Later, Sally joined the faculty at the University of California, San Diego, as a professor of physics. It was here that she realized her next mission. She noticed that only 10 percent of all engineers were women, and there were far fewer girls than boys in computer, physics and math classes.

With her feet firmly planted on the ground, Sally's new mission became one of showing girls that through science, not even the sky is the limit.

Three years ago, she created Imaginary Lines, a company that encourages young girls to become explorers of their own. Through camps, clubs and festivals, Sally has been able to bring together thousands of young girls to support their love of science. She is able to show them that science is more than just formulas and lab coats—it even includes toys.

Partnering with toy giant Hasbro, Sally created the ultimate science fair project—toy designing. This national competition gives children hands-on experience in the use of physics and science in a fun-filled atmosphere. The smiles of the children hold the promises for Sally that perhaps the next scientist, astronaut or engineer has been born.

Sally has almost made exploring the earth from space as easy as a trip to the bookstore or library. She has written five science books for children, placing the wonders of space and science directly in their hands.

Dr. Sally Ride, America's First Lady of Space, has forever changed the face of space explo-

ration, but perhaps her greatest mission is making sure that others can also reach to the stars.

Mr. Davis: Please welcome once again Dr. Carol Cartwright to join me on stage to present the NCAA Theodore Roosevelt Award. Dr. Cartwright.

Ms. Cartwright: Thank you, Rece. It is my distinct honor to present the Theodore Roosevelt Award, the highest honor the NCAA bestows upon an individual. Whether it was soaring through space or preparing a place for young girls in technology fields, Dr. Ride, you have made it your mission to share the thrill of exploration with all of us. The impact that you have had on the world has opened many possibilities for others. Your dedication to sport, education and community is one that we honor with great pride.

Ladies and gentlemen, Dr. Sally Ride. (Applause)

RESPONSE—SALLY RIDE

Ms. Ride: Thank you very much. When Astronaut Jim Hubbell of Apollo 13 fame was circling the moon, he looked back at earth and called our planet a grand oasis amid a great vastness of space. That is extremely unusual eloquence for an astronaut. You are not going to hear any more of that this evening. (Laughter)

I first want to congratulate the Top VIII, the Silver Anniversary and the Inspiration honorees, and I want to thank the Honors Committee and, of course, Stanford, for thinking of me.

I have received a lot of awards in the 20 years since my first flight, but for several reasons that I think many of you can understand, that Teddy means more to me than most. Sports and intercollegiate athletics were a huge part of my life growing up, and looking back, they played a significant role in my later success.

Interestingly, the current state of girls and women in science in this country is remarkably similar to that of girls and women in sports, only about 30 years ago. That perspective has provided impetus for some of the things that I am doing now.

I was a grad student at Stanford, just a couple of months away from getting my Ph.D. in physics, sitting in the cafeteria reading the student newspaper, and I still remember that Tuesday morning at 8 o'clock, opening the Stanford Daily and seeing in the lower right-hand corner of Page 3 of the Daily, the ad that NASA had put in the Stanford and other university newspapers, saying that it was looking for applications for astronauts, and that women for the first time were encouraged to apply.

When I saw that ad, I knew that is what I wanted to do. I ripped the ad out of the newspaper and later, that very same afternoon, I sent it in with a request for an application. As you heard, a lot of other people did the same thing. Eight thousand of us did apply.

NASA then narrowed the field to 200 based on just the applications and our references. They flew us in groups of 20 to the Johnson Space Center in Houston for a week of interviews, meetings, briefings and physicals. During that week, I told them about most of the sporting activities that I had been involved in. I told them a lot about tennis, but I decided not to tell them that I had played on Stanford's women's rugby team. I didn't think that would reflect very well on my intelligence. (Laughter)

But out of the group of 200, NASA picked 35 of us for the astronaut corps, the first class of space shuttle astronauts. That group of 35 included the first six women. All of us got our turn to fly in space at least once, and twice I got to launch on a rocket. I floated weightless for a week in space, which I guarantee you is a lot of fun, and looked back at the spectacular view of earth.

One question that astronauts are always asked, although it usually comes right after how do you go to the bathroom in space, is why do you think they chose you? Well, maybe not surprisingly, one of the most important qualifications for the job is being able to fit in with the team.

You have to learn and understand your role—how it supports, meshes with and depends on the roles of others. Then you have to practice, practice, practice as a crew. Once NASA has narrowed down the applicants to technically qualified people, they are looking for teamwork, collaboration and communications skills—skills that a lot of astronauts, including me, learned playing sports.

I can't resist taking this opportunity to reflect on how far women's intercollegiate athletics have come in the 30-plus year since I was at Stanford. I think there are many people in this room who could also appreciate the progress that has been made. All we need to do is to look at the Top VIII this year to see that an enormous amount of progress has been made.

When I came to Stanford, I came in as a pretty serious tennis player. I had been a nationally ranked junior. I played No. 1 singles on Stanford's women's team without a scholarship. This was shortly before Title IX. There were essentially no female athletes in the country on scholarships. Only one school gave even partial tennis scholarships to women, and no other sports were any better off. In fact, most of the other sports were far worse.

Many sports didn't even have women's athletics teams at that time. Back then, as now, Stanford has one of the five or so best women's tennis teams in the country, but it was hard to prove it. There was no NCAA championship for women.

Stanford's women's team unbelievably didn't play in the Pacific-10 Conference. I guess it was the Pac-8 then. We played in the famous "nickwick" conference. We played all our matches on distant courts at Stanford. We couldn't travel unless we drove ourselves to tennis tournaments or tennis matches. We got about \$5 a day for meals at the time. We didn't get varsity letters. Now, that last one has a happy ending that I will tell you about in a second.

It is just amazing how much things have changed. It is a direct result of course of Title IX and the people who understood at the time that girls enjoyed sports and competition just as much as boys did, and they would benefit by it just as much as boys would.

Girls at the time had not had the opportunity for the encouragement that the boys had. It wasn't cool for a girl to be involved in sports. It went counter to some of the cultural norms. Once Title IX was passed, changes, including in the culture, began almost immediately.

There are lots of statistics on this. Many of you probably know them better than I do. But before Title IX, less than four out of 100 high-school girls competed in sports. Now, it is more than 40 out of 100 high-school girls who compete in sports.

Stanford embraced Title IX quickly and even went on to do something that I would like to personally thank Ted Leland for. In the early 1990s, the athletics department went back through its records and retroactively gave varsity letters to Stanford—block S—to all the female athletes who competed before Title IX. I still have my certificate. (Applause)

All of this provides us a very interesting perspective on the current status of girls and women in science. Today, only about 10 percent of engineers and about 20 percent of scientists are women. That is way up from 1970 when, believe it or not, less than one percent of the engineers in this country were women.

Companies are fiercely trying to recruit women into the technical work force. But when they go around to institutions like yours and try to recruit, they find that women are not coming out with the technical degrees—especially in engineering and physical sciences and math—in the numbers that they could really easily absorb.

You would all like to graduate more women in these technical fields, of course, and you lose some, but they are not coming to you out of high school in the numbers that you would like. So the problem actually starts much earlier.

The interesting thing is if you go back and look at elementary school, this has been true for decades and decades. There are as many girls who are interested in science as boys. The same was true 30 years ago. There were as many girls in elementary school as interested in

sports as boys, but they just didn't have the opportunity.

There was a study done just a few years ago of fourth graders in the country, and one of the questions asked was: "Do you like science?" Sixty-eight percent of fourth-grade boys said they liked science, and 66 percent of fourth-grade girls said they liked science. So in fourth grade, it is as many girls as boys who liked science.

But, unfortunately, in fifth, sixth, seventh, different grades, depending on the girls and their peer group and surroundings, girls start to drift away from science in numbers much greater than boys do. We start to lose boys at that age, too, but we lose far more girls than we do boys.

The reasons are primarily societal. There are still lingering stereotypes, and as a result, a girl may not think it is cool to be the smartest one in the math class at that age. An 11-year-old girl who said she wants to become an electrical engineer may get a different reaction than an 11-year-old boy who said exactly the same thing.

Girls want to do what they think at that age others expect them to do. As a result, we still lose a lot of girls at that time, not nearly as many as we did in the 1970s and 1980s. But it is still a significant number.

The company I have started, which you have heard about, is trying to keep those girls involved by putting on events and programs that they can come to with their friends, where they will have fun and meet other girls like them; where they will have a support structure, and maybe most importantly, where they can meet women who have gone on to careers in everything from microbiology to rocket science and, by the way, are normal-looking people, people who these girls can identify with.

We eventually want our culture to be supportive of a girl who wants to be a rocket scientist as it now is with a girl who wants to be a soccer player. The message here is a pretty clear one. There are thousands and thousands and thousands of young men and women who can go on and do great things. They just need encouragement. They need support. They need role models. And they need an education.

When I was a little girl, I always dreamed of flying in space. Amazingly enough, I still cannot believe it to this day that dream came true for me. The academics and athletics programs at your institutions are preparing hundreds of thousands of young men and women every year to reach for the stars and achieve their dreams, too. Thank you very much.

[The assembly extended a prolonged standing ovation.]

Ms. Cartwright: Also, as a tribute to Dr. Ride's alma mater, please join me in recognizing Dr. Ted Leland, director of athletics, Stanford University. (Applause)

A special thank you to you, Rece, for sharing your talents with us tonight. As a token of our appreciation, the NCAA will make a donation in your honor, to a cause that we know is very important to you, the Big Oak Ranch, a home for abused and neglected children in Alabama. (Applause)

Mr. Davis: Thank you, Dr. Cartwright, and especially thank you for your use of the word "talent." I appreciate that. It has been my honor and privilege again for the second year in a row to share this evening with you. As I mentioned earlier in the evening, at a time when it is pretty easy to get cynical, it is also pretty easy after you hear these stories to be inspired and be uplifted and confident about what the future holds when we have students such as those sitting behind us tonight. Let's give them all another round of applause. (Applause)

I know also that I speak on behalf of ESPN and say we are very proud of our relationship with the NCAA. It is something we take very seriously. It is the core, it is the backbone of our programming, and we are certainly pleased to be involved with this dinner tonight.

You can see a special presentation of this dinner—it will be condensed so you don't have to sift through all my ramblings and bad jokes—on ESPN Wednesday, February 2—groundhog day—at 2 o'clock Eastern time. If you are recording it, you can watch it over and over again.

Certainly, it has been a great night to delve into the lives of these honorees and have them share a little slice of what they have accomplished and a little slice of what makes them special. I want to thank all of you—the NCAA and Dr. Brand—for allowing me to be a part of this and to all of the people on the committees who make this evening such a wonderful event.

Next year at the 2006 NCAA Convention, January 6-9, the NCAA is going to kick off the centennial celebration in Indianapolis. They promise it will be a warm day. Shirt sleeve in Indianapolis is guaranteed next year. We will celebrate 100 years of the student-athlete. Certainly, it promises to be a celebration like no other. (Applause)

This brings our evening to a close, but let's go out and do things big. We are going to think big. I want all of our honorees to stand. Let's give them a nice round of applause. (Applause)

I now bid you a good evening. Thank you, everyone. You are dismissed and do not violate any NCAA rules at the post party. (Applause)

[The Honors Dinner was adjourned at 9:20 p.m.]

Division II Business Session

Monday, January 10, 2005

(The Division II business session was called to order at 8:11 a.m. by Presidents Council Chair George J. Hagerty, Franklin Pierce College.)

OPENING REMARKS

Mr. Hagerty: Good morning. The Division II 2005 business session will come to order. My name is George Hagerty. I'm the president of Franklin Pierce College and the chair of the Division II Presidents Council.

I would like the other Division II Management Council and Presidents Council officers to stand as they are recognized in introduction. Presidents Council Vice-Chair Arthur Kirk, from Saint Leo University; Management Council Chair Sue Willey, from the University of Indianapolis, representing the Great Lakes Valley Conference; Management Council Vice-Chair Jill Willson, the athletics director for Texas A&M University, Kingsville, representing the Lone Star Conference.

I would also like to take the opportunity to introduce other individuals joining me today on the dais. Please welcome Larry Fitzgerald, faculty athletics representative from Southern Connecticut State University. Larry will serve today as our parliamentarian. Members of the Division II governance staff include Mike Racy, vice-president for Division II; and Terri Steeb, the director of Division II. I would like to also introduce Rich McGlynn, Stephanie Quigg and Jay Jones of the NCAA membership services staff who will be here to help us during the morning.

Before we begin the voting process this morning, we need to take a few minutes to review the voting units that we will be using during the business session.

[Note: Voting procedures were explained to the delegates.]

To be more efficient, and very honestly, to keep you all awake, we have produced a written version of the Management Council, the Presidents Council and the budget report. In previous years, you have listened to these reports in the morning business session. You should have received a copy of the Division II Convention yearbook at registration. The yearbook has the information all printed up. I will not re-hash what is in it, but it's both timely and very important.

With that, I would like to call on Dr. Arthur Kirk from Saint Leo University to conduct the business session.

Mr. Kirk: Good morning. Roberts Rules of Order provides that procedures therein may be superseded or replaced by an organization's own traditional and customary procedures. This Association has a number of such legislative requirements and procedures. Several of them are reviewed in the introductory section of the Official Notice. In addition, you will find in your Official Notice several appendixes in the blue pages that list procedural information that may be of assistance to you. NCAA Convention procedures are designed to ensure fairness and equitable treatment for all members and to expedite your work as delegates. I will not take time to explain all of the parliamentary procedures used to ensure fairness, but I will remind the delegates that we fully intend to apply these procedures throughout the business of the Convention.

There are certain procedures we employ in attempting to use our time wisely and efficiently, and let me briefly review them. We will use the voting machines for roll-call votes. All other votes will be handled by paddles. Roll-call votes were designated by the Presidents Council for those proposals where it appears important to create an historical record on how

each Division II school voted on the issue. I will attempt to eyeball as many votes as possible, calling for a machine count only when there is doubt as to whether there is a majority. Although the delegates have a right to ask for it, I ask all delegates to refrain from calling for a machine vote count unless one seems necessary to determine the disposition of the issue. If a delegate intends to debate an issue during the business session, we ask that you be at one of the microphone locations, and be prepared to speak when the motion has been moved and seconded, or as soon as the previous speaker has concluded his or her remarks.

The microphone numbers will be utilized to recognize speakers. Delegates will be limited to speak to no single motion more than twice. If I see no one at a microphone, the vote will be called as quickly as possible. The voting and speaking privileges for NCAA Conventions are set forth in the NCAA legislation and are summarized in the introduction to the Official Notice. I will not repeat them here. Identify yourselves by name and your institution or affiliation whenever you address the Convention. Those delegates wearing Convention badges with light blue, gray or green ribbons are permitted to speak. Those with other colored ribbons are visitors and may not participate other than as observers.

As a reminder, the speeches made during today's business session for each proposal create an historical record that becomes important for research regarding the legislative intent of the 2005 voting delegates. The annual Convention Proceedings will serve as the official record of the business session, and your remarks will be included in these proceedings.

Let me also review briefly the window of reconsideration opportunity. After we complete consideration of the 38 Division II proposals, we will take a very short five-minute break in our proceedings to allow delegates to caucus about the possibility of reconsideration. After this short break, I will call for a motion to reconsider any of the proposals that have been voted on. All motions to reconsider must occur during this window of reconsideration.

Also, please note that some proposals have immediate effective dates for implementation. For such proposals, the immediate effective date must be considered first, followed by a vote on the merits of the proposal. If an immediate effective date is defeated, and the proposal is adopted, the effective date will then be August 1, 2005.

We have a court reporter here today to prepare a transcript of this business session, so I would remind you again to identify yourself and your institution or affiliation whenever you speak.

Let me also call to your attention two Convention publications. The first publication is the Convention Program that you received at registration. The second publication is the 2005 Convention Official Notice, which you should have received in November. In Appendix A, the blue pages, in the Official Notice, Pages 65 and 66, you will find a list of the 38 legislative proposals that will be considered during this Division II business session. I also call your attention to the procedural issues memo, a green sheet handed out this morning. This memo highlights procedural issues related to the legislative proposals.

If we have not completed voting this morning, we will recess around 12:30 p.m. for lunch. Please return from lunch by 1:30 p.m. if we need to continue an afternoon session.

The first action that we have to dispense with is approving the Convention Notice and Convention Program. If we vote to accept the Convention Notice and Program, we will vote on proposals in the order in which they appear in those publications. If you wish to move to re-order a proposal, now is the time to approach the microphone.

I also want to point out that by adopting the Official Notice, you are adopting the incorporation of interpretations described in Appendix B, Pages 67 to 70, the noncontroversial amendments in Appendix C, Pages 71 to 118, and the intent-based amendments in Appendix D, Pages 119 to 122. These interpretations and amendments have been approved by the Management Council and the Presidents Council during the past 12 months, and we will not discuss any of them individually unless you move to do so.

ADOPTION OF OFFICIAL NOTICE

Mr. Kirk: I will now ask someone to make a motion to adopt the Official Notice and the printed program of this Convention so that we may proceed with our work. After such a motion, we then can consider any motions to re-order proposals.

Do I have such a motion?

From the Floor: So moved.

(The motion was seconded.)

Mr. Kirk: All those in favor of adopting the Official Program and Convention Notice and all contained therein, please signify by raising your paddles. Those opposed? Any abstentions? Thank you. The motion passes.

We're ready to start our voting. This year, the Division II Presidents Council has identified Proposals Nos. 1 through 9 as the consent package that is intended to be voted on as a group. The Division II Presidents Council has identified Proposals Nos. 10 through 20 as those that it believes are of particular interest to Division II chief executive officers and it has included them in the Presidents Council grouping this year. After considering the Presidents Council grouping, we'll consider the rest of the legislation, beginning with Proposal No. 21 and continuing until we finish with Proposal No. 38. We are now ready to begin our consideration of the legislative proposals.

We will start on Page 2 of the Official Notice with the Consent Proposals Nos. 1 through 9. This is expected to be a paddle vote. Proposals Nos. 1 through 9 will be considered as a group unless there is an objection. The Management Council and the Presidents Council have determined these proposals to be generally housekeeping in nature, and that is why they have been placed in this consent package. Proposals Nos. 5 and 6 have immediate effective dates; however, since they are part of the consent package, there will be no separate vote on the effective date for these two proposals unless someone moves to pull the proposal from the grouping. Do I have a motion?

ADOPTION OF CONSENT PACKAGE

Paul Engelmann (Central Missouri State University) On behalf of the Legislation Committee and Management Council, I move Proposals 1 through 9 of the consent package.

[The motion was seconded.]

Mr. Engelmann: Each of these proposals was placed in the consent package because of the nature of the change being proposed. Each of these nine proposals is considered to be without controversy or is editorial in nature. Therefore, it is appropriate to vote for all nine as a package. I urge your support for these proposals.

[Proposal Nos. 1 through 9 were approved.]

PRESIDENTS COUNCIL PROPOSAL GROUPING

Mr. Kirk: We're now ready to look at Proposals Nos. 10 through 20 that make up this year's presidents grouping. Proposal No. 10 is a roll-call vote with an effective date of August 1, 2005.

MEMBERSHIP—ACTIVE MEMBERSHIP—CONDITIONS AND OBLIGATIONS OF MEMBERSHIP—ACADEMIC SUCCESS RATE

Anthony Capon (University of Pittsburgh, Johnstown): On behalf of the Management Council, I move Proposal No. 10.

[The motion was seconded.]

Proposal No. 10 includes as a condition and obligation of active membership, a requirement that the Division II institutions annually report an academic success rate, in addition to the federal graduation rate.

Three years ago, the graduation rate project team was charged with examining the current federal graduation rate to see if it accurately reflected the academic success of Division II student-athletes. It quickly became apparent that the federal graduation rate was deficient in several respects.

First, since the federal graduation rate included only scholarship athletes entering a four-year institution for the first time, it ignored the large number of athletes who are not on scholarship or who transferred in from other four-year institutions. More importantly, athletes who leave our institutions, while academically eligible, nevertheless count against our graduation rates.

The graduation rate project team reviewed the possibility of modifying the federal graduation rate to reflect a more accurate picture of the academic success of Division II student-athletes. The project team conducted two pilot studies using a modified version of the federal graduation rate. The modified version tracks scholarship and transferred student-athletes to develop an academic success rate and adjusted the rate for student-athletes who left our institutions while eligible. The project team concluded that the academic success rate provided a more accurate picture of the academic success of Division II student-athletes.

This proposal has an effective date of August 1, 2005. Thus, institutions will be required to report the first academic success rate in spring of 2006. Since the spring 2006 report will track from 1999 to 2000 forward, institutions may not have all of the required information. Thus, institutions that report data in spring 2006 will qualify for an incentive program. Institutions that report annually through 2010 will also qualify for the incentive program for each of those years. It is also important to note that the penalty outlined in the proposal has a delayed effective date of spring 2011. This will serve as notice to the Division II membership to begin tracking the 2004-05 cohorts and cohorts thereafter.

Since this proposal will show a more accurate academic success rate of Division II institutions, I strongly urge you to support this proposal. Thank you.

John Keating (University of Wisconsin, Parkside): On behalf of the Presidents Council, I would like to speak in support of Proposal 10.

Proposal No. 10 develops a supplemental graduation rate, in addition to the federal graduation rate. This proposal addresses the limitations of the current federal graduation rate.

For many years, the Presidents Council has been concerned that the federal graduation rate only tracks scholarship student-athletes. Thus, the federal graduation rate does not accurately reflect the graduation rates of Division II student-athletes.

One of the strengths of this proposal is that the academic success rate will account for all student-athletes, including nonscholarship and transfer student-athletes. In addition, the new rate will be published by the NCAA on an annual basis so institutions will be able to compare their rates with other member institutions. This will allow for an apple-to-apple comparison. This comparison is simply not possible by using only the federal graduation rate.

If we are truly concerned about seeing a more accurate picture of Division II graduation rates, then we will vote to approve this proposal. Please vote in support of Proposal 10. Thank you.

Mr. Kirk: Thank you. Is there further discussion on the motion? We're ready for a roll-call vote.

[Proposal No. 10 was adopted, 240-5-1.]

MEMBERSHIP—CONDITIONS AND OBLIGATIONS OF MEMBERSHIP

—MANDATORY BINDING ARBITRATION

Mr. Kirk: Proposal No. 11 is sponsored by the Division II Presidents Council. The sponsors have agreed that the proposal should not be moved at this year's business session. The reasons for the sponsor's decision are set forth in the question-and-answer document distributed this morning.

I would like to recognize President Margaret Fitzpatrick to provide additional information from the Presidents Council regarding this decision.

Margaret Mary Fitzpatrick (St. Thomas Aquinas College): As a member of the Presidents Council and on behalf of the Council, I am notifying the Division II delegates that the Presidents Council will not move Proposal No. 11 at this year's Convention.

This proposal was sponsored by the Division II Presidents Council as a result of an August 2003 NCAA Executive Committee action, asking each division to pursue as a condition and obligation of membership a requirement that all NCAA members agree to mandatory binding arbitration.

Briefly, adoption of this proposal would mean that all NCAA Division II members would agree that all disputes between a member institution and the NCAA arising under a federal claim would be adjudicated via binding arbitration. Binding arbitration is a dispute resolution process in which a neutral third party renders a decision after a hearing in which both parties have an opportunity to be heard.

Because this proposal has not been introduced into the NCAA Division I legislative cycle, the Presidents Councils in Division II and III determined that it should not be considered at the 2005 Convention. While the proposal was not initially put forward as a common provision, the Presidents Councils do not want to consider this proposal if it would not be an Association-wide initiative. This proposal may be presented at a future Convention if all divisions agree to put it forward for vote.

In addition, as a Division II institution, you are encouraged to speak with your legal counsel to determine the legal effects of such legislation before we consider this at a future business session. Thank you.

LEGISLATIVE PROCESS—AMENDMENT PROCESS

—NONCONTROVERSIAL AMENDMENT

Mr. Kirk: Proposal 12 is a roll-call vote with an immediate effective date; therefore, there will be two votes on this proposal. The immediate effective date will be considered first by paddle vote, and it needs two-thirds approval to pass. After the effective date vote, we will then have discussion on the proposal, followed by a roll-call vote on the merits of Proposal No. 12.

Jill Willson (Texas A&M University, Kingsville): On behalf of the Management Council, I move Proposal No. 12.

[The motion was seconded.]

On behalf of the Management Council, I move the immediate effective date for Proposal No. 12.

[The motion was seconded and approved.]

Proposal No. 12 promotes the goals of orderly and expedient administration of the Division II business.

Currently, noncontroversial recruiting and eligibility legislation must be voted on at the Convention through the consent package. This process is unnecessarily time-consuming and cumbersome.

Proposal No. 12 eliminates the delay that now exists as a result of waiting for a Convention vote on noncontroversial Bylaw 13 and 14 legislation and promotes greater effi-

ciency by permitting the Presidents Council to adopt legislation in areas when that legislation is necessary for the normal and orderly administration of Division II business.

For these reasons, I urge your support of Proposal No. 12.

[Proposal No. 12 was adopted, 243-2-2.]

RECRUITING—FOUR-YEAR COLLEGE PROSPECTS—NONATHLETICALLY RELATED FINANCIAL AID

Mr. Kirk: We are now ready for Proposal No. 13. This is a paddle vote with an effective date of August 1, 2005.

Suzanne Sanregret (Michigan Technological University): On behalf of the Legislation Committee, I move Proposal No. 13.

[The motion was seconded.]

As you know, it is not permissible for athletics staff members to make contact with a student-athlete at another four-year institution without first obtaining written permission from the other institution's athletics director. If permission is not granted and the student-athlete transfers anyway, Bylaw 13.1.1.2 states that the second institution cannot provide financial assistance to the student-athlete until the student-athlete has attended the second institution for one academic year.

This legislation has been interpreted to preclude the student-athlete from receiving any and all types of institutional financial aid, including financial aid unrelated to athletics, such as academic or need-based awards. Since the permission of contact is an athletics issue, the prohibition against providing financial assistance should apply only to athletically related financial aid.

This proposal would permit a transfer student-athlete who did not receive permission to contact his or her new school, to receive nonathletically related institutional aid during his or her first academic year. For these reasons, I urge your support of this proposal. Thank you.

[Proposal No. 13 was adopted.]

RECRUITING—RECRUITING MATERIALS—NCAA OR CONFERENCE CHAMPIONSHIP PROMOTIONAL MATERIALS

Mr. Kirk: We're now ready for Proposal No. 14. This is a paddle vote with an effective date of August 1, 2005.

Mark Linder (Missouri Western State College): On the behalf of the Legislation Committee, I move Proposal No. 14.

[The motion was seconded.]

This proposal will allow NCAA conferences and institutions hosting championships to produce and send promotional materials, such as posters, to the general public without the concern of whether a prospective individual may receive them.

The proposal specifies that promotional materials must provide information about the championship, not the host institution nor its athletics department. Therefore, the promotional materials are not considered recruiting materials. If the materials are not recruiting materials, it should not matter who receives them. Any concern about potential abuse is addressed in the specific restrictions contained in the proposal.

For these reasons, I urge your support.

Larry Holstad (Winona State University): On behalf of the Management Council, I also urge your support of this proposal.

In order to have successful championships, they must be adequately promoted. The uses of printed promotional materials are an effective and relatively inexpensive way to promote

the events. Because the materials are specific to the championship, and none are permitted to promote an institution, there is no recruiting advantage in this process.

For these reasons, I urge your support of this proposal. Thank you.

[Proposal No. 14 was adopted.]

ELIGIBILITY—PROGRESS-TOWARD-DEGREE REQUIREMENTS—HOURS EARNED OR ACCEPTED FOR DEGREE CREDIT—SIX-HOUR REQUIREMENT

Mr. Kirk: We are now ready for Proposal No. 15. This is a paddle vote with an effective date that is immediately after the institution's 2005 fall term; thus, it is applicable to hours earned during the 2005 fall term and thereafter.

Dede Allen (University of Alaska Anchorage): On behalf of the Academic Requirements Committee and the Management Council, I move Proposal No. 15.

[The motion was seconded.]

This proposal permits a student-athlete in the final academic year of his or her designated degree program to use credits acceptable toward any of the institution's degree programs to satisfy the six-hour requirement.

Last year, when Division II membership adopted the six-hour requirement, we intentionally delayed the effective date until after the fall of the 2005 term. We did so to provide notice to schools and to student-athletes, and because we knew there would be issues that needed to be addressed before the effective date. This proposal addresses one of those issues. Specifically, it permits a student-athlete in the final academic year of his or her designated degree program to use credits acceptable toward any of the institution's degree programs to satisfy the six-hour requirement.

Another reason we established an effective date of after the fall 2005 term was because it gave the Academic Requirements Committee an opportunity to closely monitor Division I in its implementation of the six-hour rule.

In Division I, the NCAA staff has processed progress-toward-degree waivers of the six-hour requirement in which the circumstances cited pertained to student-athletes in the last year of their degree program who failed to satisfy the six-hour requirement with degree-applicable credits. The deficiencies resulted because only a certain number of degree courses were offered for a particular term, or the student-athletes had a small number of courses remaining to satisfy those requirements. For example, an institution filed a waiver for a student-athlete who had already completed the degree courses in the second-to-last semester of her degree program.

The NCAA Division I Progress-Toward-Degree Committee and the NCAA staff had approved those waivers involving student-athletes in the last year of their degree program, noting that student-athletes were making appropriate progress toward a degree, and the intent of the six-hour requirement was not to adversely impact such student-athletes. When the Academic Requirements Committee discussed this issue, it determined that it, too, would grant waivers for similar circumstances. Therefore, continuing with the less bureaucratic theme, the Academic Requirements Committee proposed this amendment, which, if adopted, will eliminate any Division II institution from filing such progress-toward-degree waivers.

For these reasons, I strongly urge you to support Proposal No.15.

[Proposal No. 15 was adopted.]

**ELIGIBILITY—PROGRESS-TOWARD-DEGREE REQUIREMENTS—SIX-HOUR
REQUIREMENT—COOPERATIVE EDUCATION AND
STUDY ABROAD PROGRAMS—EXCEPTION**

Mr. Kirk: We're now ready for Proposal No.16. This is a paddle vote with an effective date that is immediately after your institution's 2005 fall term; thus, it is applicable to hours earned during the 2005 fall term and thereafter.

Sunday Adesuyi (St. Paul's College): On behalf of the Management Council, I move Proposal No. 16.

[The motion was seconded.]

This proposal specifies that a student-athlete shall not be required to complete six-semester or six-quarter hours of academic credit the preceding regular academic term of full-time enrollment during any term or terms of enrollment in a cooperative education program or an institutionally approved study program.

Many Division II student-athletes in cooperative-education programs are considered enrolled in a full-time program of studies under institutional policies, but may not be awarded such credit hours that are considered degree applicable, or institutions may have difficulty documenting the completion of the hours in time for certification due to the administrative challenges in dealing with foreign institutions.

Please note that this proposal does not affect the original intent of the six-hour legislation. I strongly urge you to support this proposal. Thank you.

[Proposal No. 16 was adopted.]

**ELIGIBILITY—EXCEPTION TO PROGRESS-TOWARD-DEGREE RULE—TWO-YEAR
NONPARTICIPATION EXCEPTION**

Mr. Kirk: We're now ready for Proposal No.17. This is a paddle vote with an effective date of August 1, 2005.

Dede Allen (University of Alaska Anchorage): On behalf of the Academic Requirements Committee and the Management Council, I move Proposal No.17.

[The motion was seconded.]

This proposal creates an exception to the progress-toward-degree regulations to permit a student-athlete who has not participated in countable athletically related activities for a consecutive two-year period to be immediately eligible for competition.

The Academic Requirements Committee supports this proposal because of the academic nexus this proposal stresses. Specifically, under current four-year college transfer regulations, an individual can transfer and be immediately eligible, provided a two-year period has expired and the student-athlete has not engaged in any athletically related activity. However, this is not available to a student who wishes not to transfer institutions.

For example, a student entering her fourth year of collegiate enrollment did not satisfy progress-toward-degree requirements, but was on a schedule to graduate at the end of her fifth year. The student-athlete was not eligible at her current institution, but could have transferred to a Division II institution five miles away and been immediately eligible under the two-year nonparticipation transfer exception.

The irony is that the current regulation encourages a student-athlete to transfer to another institution. If the student-athlete had transferred, she would have lost a significant number of credits because of the transfer. As a result, the appropriate academic solution is to establish a two-year nonparticipation exception to the progress-toward-degree legislation. Establishing this exception is an attempt to ensure competitive equity and promote student-athlete well being. Specifically, academic data indicates that a student-athlete is more likely to graduate if he or she remains at the current institution.

Please vote in support of Proposal No. 17.
[Proposal No. 17 was adopted.]

PLAYING AND PRACTICE SEASONS—TIME LIMITS FOR ATHLETICALLY RELATED ACTIVITIES—OUTSIDE THE PLAYING SEASON

Mr. Kirk: We are now ready for Proposal No.18. This is a paddle vote with an effective date of August 1, 2005.

Duane Hopkins (Florida Southern College): On behalf of the Legislation Committee, I move Proposal No. 18.

[The motion was seconded.]

This proposal addresses issues related to student-athlete time demands by requiring that student-athletes be provided with two days off per week outside the playing season during the academic year.

In addition, it deals with the long-standing concern that skill instruction during the off season is at times less than voluntary. Under the proposal, it would be permissible outside of a playing season to require two hours of skill instruction as part of the overall eight hours of countable athletically related activities. The other six hours are limited to strength and conditioning activities. These changes will benefit student-athletes and simplify monitoring procedures.

Further, the proposal requires the institution to provide two days off outside the playing season, which provides greater relief on student-athlete time demands.

For these reasons, I urge your support of Proposal 18.

[Proposal No. 18 was adopted.]

ELIGIBILITY FOR CHAMPIONSHIPS—INSTITUTIONAL ELIGIBILITY—GENERAL INSTITUTIONAL REQUIREMENTS—CROSS COUNTRY, INDOOR AND OUTDOOR TRACK AND FIELD

Mr. Kirk: We are now ready for Proposal 19. This is a paddle vote with an immediate effective date; therefore, there will be two paddle votes on this proposal. The immediate effective date will be considered first by paddle vote, and it needs a two-thirds approval to pass. After the effective date vote, we will then have discussion on the proposal, followed by a paddle vote on the merits of Proposal No. 19.

Joan McDermott (Metropolitan State College of Denver): On behalf of the Management Council, I move Proposal No. 19.

[The motion was seconded.]

On behalf of the Management Council, I move the immediate effective date of Proposal No. 19.

[The motion was seconded and approved.]

This proposal will add minimum sport sponsorship requirements to the qualifying standards for the sports of cross country, indoor track and field, and outdoor track and field, in order to be selected for the championships.

It is important that when an institution's student-athlete or team qualifies for a national championship, it can demonstrate a commitment to participation during the regular season in a prescribed number of contests. Moreover, this proposal gives the sports committee the ability to reward our members that have shown a reasonable level of involvement in enhancing competition through their participation.

Further, this proposal has an immediate effective date. As such, this legislation will impact the upcoming indoor and outdoor track and field championships.

I strongly urge your support for this proposal.

[Proposal No. 19 was adopted.]

DIVISION MEMBERSHIP—MINIMUM CONTESTS AND PARTICIPANT REQUIREMENTS—INDOOR TRACK AND FIELD

Mr. Kirk: We are now ready for Proposal No.20. This is a paddle vote with an immediate effective date; therefore, there will be two paddle votes on this proposal. The immediate effective date will be considered first by paddle vote and needs a two-thirds approval to pass. After the effective date vote, we will then have discussion on the proposal, followed by a paddle vote on the merits of Proposal No. 20.

Clyde Doughty Jr. (New York Institute of Technology): On behalf of the Management Council, I move Proposal No. 20.

[The motion was seconded.]

On behalf of the Management Council, I move the immediate effective date for Proposal No. 20.

[The motion was seconded and approved.]

This proposal will alleviate a discrepancy between indoor and outdoor track and field. The current legislation requires indoor track and field to have the same ratio of student-athletes per event as outdoor track and field; however, indoor track and field has six fewer events than outdoor track and field.

By approving this proposal, the ratio of student-athletes to event will be proportionate for each sport, thus permitting more institutions to sponsor both sports.

I urge the membership to support this proposal.

[Proposal No. 20 was adopted.]

AMATEURISM—FINANCIAL DONATIONS FROM OUTSIDE ORGANIZATIONS—PROFESSIONAL SPORTS ORGANIZATIONS—RECIPROCAL CONTRACTUAL MARKETING RELATIONSHIP

Mr. Kirk: We are now ready for Proposal No. 21. This is a paddle vote with an effective date of August 1, 2005.

Robert Burke (American International College): On behalf of the Legislation Committee, I move Proposal No. 21.

[The motion was seconded.]

Proposal 21 is intended to permit an institution's marketing department to enter into a reciprocal contractual relationship with a professional sports organization for the specific purpose of marketing and promoting an institutionally sponsored sport.

This proposal will allow for a positive impact of an institution building relationships with its community, as well as promoting the institution's sports. The adoption of this proposal will permit institutions to enter into reciprocal contractual marketing relationships that may result in increased exposure and fan interest in sports at both the professional and collegiate levels.

I strongly encourage you to support this proposal.

[Proposal No. 21 was adopted, 171-70-0.]

RECRUITING—TELEPHONE CALLS SUBSEQUENT TO NATIONAL LETTER OF INTENT SIGNING OR OTHER WRITTEN COMMITMENT

Mr. Kirk: Proposal No. 22 is a paddle vote with an immediate effective date; therefore, there will be two paddle votes on this proposal. The immediate effective date will be considered first by paddle vote, and it needs two-thirds approval to pass. After the effective date vote, we will then have discussion on the proposal, followed by a paddle vote on the merits of Proposal No. 22.

Ingrid Wicker-McCree (North Carolina Central University): On behalf of the Legislation Committee, I move Proposal No. 22.

[The motion was seconded.]

On behalf of the Legislation Committee, I move the immediate effective date of Proposal No. 22.

[The motion was seconded and approved.]

Currently, a four-year college transfer student is considered a prospective student-athlete. Yet, because of his or her transfer status, is not eligible to sign a national letter of intent.

Accordingly, although an institution may make unlimited telephone calls to a high-school prospect who signs a national letter of intent, the institution is limited to making one telephone call per week to the four-year transfer prospect since the benefit of the unlimited telephone call exception only applies when an individual signs a national letter of intent.

This proposal fairly extends the unlimited telephone calls exception to include students who are not eligible for the national letter of intent, but have signed the institution's written offer of admission and/or financial aid. Essentially, similarly situated prospective student-athletes will be treated equally under this proposed legislation.

Finally, the immediate effective date of this proposal will allow institutions to implement this legislation for spring and summer recruiting periods.

For these reasons, please vote in support of Proposal No. 22.

[Proposal No. 22 was adopted.]

RECRUITING—TRANSPORTATION ON UNOFFICIAL VISIT—30-MILE RADIUS

Mr. Kirk: We are now ready for Proposal No. 23. This is a paddle vote with an effective date of August 1, 2005. The proposal was membership sponsored.

Thomas Brown (Great Lakes Intercollegiate Athletic Conference): On behalf of the sponsoring institutions, I would like to move Proposal No. 23.

[The motion was seconded.]

We have eliminated the 30-mile radius in so many of the regulations that we have, and this is just another issue where we would like to remove the 30-mile radius as a position of deregulation.

Sunday Adesuyi (St. Paul's College): On behalf of the Management Council, I would like to speak in support of Proposal No. 23.

If adopted, this proposal will eliminate the 30-mile radius restriction when an institution provides transportation to a prospective student-athlete to view a practice or competition site and other institutional facilities while on an official visit.

It is important to note that Proposal No. 23 is consistent with the removal of similar mileage restrictions in the deregulation process. Thus, the Management Council and Presidents Council agree to co-sponsor the proposal to support the continued deregulation effort.

In the spirit of deregulation, I encourage your support on this proposal. Thank you.

[Proposal No. 23 was adopted.]

RECRUITING—TRYOUTS—COMPETITION—SOCCER

Mr. Kirk: We are now ready for Proposal No. 24. This is a paddle vote with an immediate effective date; therefore, there will be two paddle votes on this proposal. The immediate effective date will be considered first by paddle vote, and it requires a two-thirds approval to pass. After the effective date vote, we will then have discussion on the merits of the proposal, followed by a paddle vote.

Suzanne Sanregret (Michigan Technological University): On behalf of the Legislation Committee, I move Proposal No. 24.

[The motion was seconded.]

On behalf of the Legislation Committee, I move the immediate effective date of Proposal No. 24.

[The motion was seconded and approved.]

This proposal removes the prohibition of competition during soccer tryouts at an institution. Currently, in the sports of football, ice hockey, lacrosse, soccer and wrestling, an institution may not conduct a trial that includes competition. However, unlike hockey, football, lacrosse and wrestling, soccer does not present significant health and safety concerns to justify a ban on competition during tryouts.

Additionally, schools are defining competition in many different ways. Accordingly, there is a real concern that, despite the current prohibition, competition is occurring in trials, despite the rule. The immediate effective date of this proposal will allow soccer tryouts occurring this spring and summer to include competition.

For these reasons, I encourage your support of Proposal No. 24. Thank you.

Nathan Salant (Gulf South Conference): Yesterday, I listened to our presidents discuss the issue of whether or not we should adopt a much more experienced, nationally certified soccer officials association. A major reason cited was that for our member institutions that do not sponsor American football, the sport in which they had the most injuries, by far, was soccer. Although the concept behind the proposal may have merit, I'm very concerned about the rationale. I'm very concerned from a legal perspective, as an attorney, about classifying soccer as a noncontact sport. I think that needs to be thought through pretty carefully before this is adopted. Thank you.

[Proposal No. 24 was adopted.]

ELIGIBILITY—SEASONS OF COMPETITION—SCRIMMAGES AND EXHIBITION CONTESTS

Mr. Kirk: Proposal No. 25. is a paddle vote with an effective date of August 1, 2005, for any competition occurring on or after August 1, 2005. The proposal was membership sponsored. Please note that Proposal No. 26 will be moot if Proposal No. 25 is adopted.

Thomas Brown (Great Lakes Intercollegiate Athletic Conference): On behalf of the sponsoring organizations, I want to move Proposal No. 25.

[The motion was seconded.]

A few years ago, the membership approved fall sports being able to have their people that were red-shirted participate in the spring in the nonchampionship segment, without losing a year of eligibility.

The proposal that we have presented is to allow some of the sports to use their exhibition and scrimmages for these red-shirts and not lose eligibility during the fall or the winter seasons.

We urge acceptance of this proposal.

Aaron Dalton (Rocky Mountain Athletic Conference): I represent the Division II National Student-Athlete Advisory Committee.

The Division II SAAC acknowledges the position of the Presidents Council regarding Proposal No. 25, but respectfully disagrees because some may feel that exhibitions and scrimmages could be used as tryouts in an abusive form, as they may run off potential student-athletes due to poor performances. Scrimmages and exhibitions are not the only time student-athletes are evaluated. Every practice is, in effect, a tryout for a starting spot.

Also, a collegiate season can become grueling in the capacity of regular practice schedules without the opportunity to compete in at least a simulated game environment, such as

what Proposal No. 25 would permit.

Finally, due to the nature of the competition, this specific legislation has no official impact on regular-season, conference or national championship play.

We urge you to support this legislation. Thank you.

James Lyons (California State University, Dominguez Hills): On behalf of the Presidents Council, I would like to speak in opposition to Proposal No. 25.

Proposal No. 25 specifies that a student-athlete may compete in a scrimmage and/or exhibition contest against outside competition without using a season of competition. This proposal will be applicable for student-athletes in all sports. Some may argue that the application of this proposal will benefit student-athletes; however, after many discussions, the Presidents Council disagrees. If approved, there is a great potential for abuse by institutions, and student-athletes may be negatively impacted.

First, institutions may use this opportunity as a tryout for student-athletes after collegiate enrollment. This may result in a “run-off” from an institution if a student-athlete does not perform well.

In addition, this proposal does not limit when student-athletes may compete in scrimmages and/or exhibition contests. Thus, student-athletes may be required to participate in these events during the middle or end of the season.

We all have an obligation to protect the well being of our student-athletes. If we approve this legislation, we lose some of the momentum and success of the student-athlete well-being initiative. So for this reason and many others as previously stated, I would urge you to vote against this proposal.

Ed Hoffmeyer (Tusculum College): I need a clarification. My question comes from the blue question-and-answer document that was distributed earlier. On Page 13, the question was asked: “What is the definition of an exhibition contest?” The answer is: “Each institution determines whether a contest is deemed an exhibition contest.”

My question is, on those sports such as baseball and softball where we do not have a limit on exhibition games, does that mean that we could, at our institution, classify all of my JV baseball games as exhibition and have the student-athlete not use a season of eligibility?

Rich McGlynn (NCAA Staff): Just to clarify the question to make sure we understand it; the question is whether or not this proposal would permit an institution to deem JV contests as scrimmages and/or exhibition contests, therefore students-athletes would not be charged a season of competition while participating in those contests.

The answer to that would be, yes, because the autonomy is at the institution to determine what is a scrimmage and what is an exhibition.

I would want the sponsor of this proposal to address what their intent was with this, because I think it’s important to give them the opportunity to clarify their intent, as to whether or not it was to cover junior varsity versus only varsity contests.

Thomas Brown (Great Lakes Intercollegiate Athletic Conference): The intent of the two conferences was not to include junior varsity competition. It was to include scrimmages and exhibitions as we define them now on the varsity level.

Mr. Kirk: Thank you. Does that answer your question?

Mr. Hoffmeyer: No, it doesn’t.

I guess my question then is, if an institution does have a JV baseball program, and we want to declare those as exhibition games, can those student-athletes participate and have not used a season of eligibility? This allows us that opportunity if I’m reading it correctly. If so, then I would urge us to vote against Proposal 25, and go to Proposal 26, which is basketball-specific.

John Rich (Emporia State University): Do these student-athletes have to be otherwise eligible? Would this competition be available to a partial or nonqualifier?

Mr. McGlynn: A student-athlete would have to be otherwise eligible in order to participate in either an exhibition and/or a scrimmage contest. Therefore, it would not permit a nonqualifier or a partial qualifier in their first year.

Stan Aldridge (Georgia College & State University): Would it be in order to ask for an amendment to this proposal to exclude junior varsity competition, or to include only varsity competition?

Mr. Kirk: We're going to consult with the parliamentarian.

Mr. Hoffmeyer: We don't have a limit on exhibition games in varsity baseball or softball, so that still would not answer the question.

Mr. Aldridge: I think this is a good proposal. I think most of the concern is with the red-shirting of an athlete. If an athlete could have an opportunity to be seen during an exhibition game, and a decision could be made about red-shirting without abusing it, I think it would probably speed up their graduation, possibly, rather than delay it.

Mike Racy (NCAA staff): We've been told by the parliamentarian that an amendment-to-amendment on the floor would be out of order. However, based on the intent provided by the conference sponsors, the membership services staff is comfortable issuing a staff interpretation that junior varsity contests are excluded from this legislation. The Management Council and the Presidents Council can modify the legislation, based on the intent of the sponsors, at their next meeting.

Mr. Kirk: Is there further discussion on this item?

Bill Woodward (Seattle Pacific University): The Faculty Athletics Representatives Association, I am instructed, has not taken a position on this, so I'm not speaking on behalf of anyone else. But I want to raise a caution. I hear this and the next proposal being presented as increasing student-athlete opportunity. I want to caution against that line of thinking. I have student enrollment limits on my courses. I have students who ask me if they are the 41st student to try to enroll in a course limited to 40 if they couldn't have me allow them to sit in because, after all, I'm excluding an opportunity from them. I tell them that I find that 40 students is my maximum for dealing effectively with a class, and so to give them additional opportunity, is to actually reduce the opportunity of students one through 40.

I suspect that this might have the same effect, especially for a squad in which there are some students who don't get to compete a whole lot from the bottom of the bench, but who are on the team. Their opportunity to compete in these scrimmages might be restricted if you open it to those who are not on the squad.

Ralph McFillen (Mid-America Intercollegiate Athletics Association): If the legislation specifically states this provision is applicable to intercollegiate athletics competition conducted at two-year and four-year institutions at the varsity or subvarsity level, how can you make an interpretation that it's not applicable to the subvarsity level if the legislation specifically states "subvarsity?" I'm asking that question as a follow-up for clarification.

Mr. Kirk: Good question.

You've obviously raised some important and difficult questions on this issue. We have an interpretation subcommittee. We would like the members of that committee to come forward and work with the staff on these questions. While they do that, we're going to take a quick five-minute break.

Let me recognize Microphone No. 3. I sense that this gentleman wants to be recognized before that break.

Bob Oliver (Central Atlantic Collegiate Conference): I would urge defeat of this proposal and call for the question based upon the fact that there are many issues that need to be discussed. I don't believe this is the forum for interpretations to be made of this magnitude because of misunderstandings on the way the proposal has been presented by the proposers.

I urge the proposers to bring this proposal back to the 2006 Convention.

Mr. Kirk: Thank you.

The parliamentarian has advised me that because I called for a recess, that takes precedence over your motion. I'm just the messenger.

Please remain at your seats, and take a quick break. The interpretations committee will meet briefly. Thank you.

[Note: A brief recess was taken.]

Mr. Kirk: I would like to call us back to order. We do have an interpretation.

Rich McGlynn: (NCAA Staff): After further consultation with the interpretation subcommittee, it's been determined that an institution under current NCAA legislation, coupled with the language in Proposal 25 as written, would permit an institution to designate an entire junior varsity season as exhibition contests; therefore permitting a student-athlete to participate in an entire season and not use a season of competition.

Mr. Oliver: I urge the membership to defeat this proposal based upon that interpretation.

Mr. Kirk: We are prepared for a paddle vote on this issue.

[Proposal No. 25 was defeated.]

Thanks to the committee and the staff for the interpretation.

We will now move on to Proposal No. 26.

ELIGIBILITY—SEASONS OF COMPETITION—SCRIMMAGE AND EXHIBITION CONTESTS—MEN'S AND WOMEN'S BASKETBALL

Thomas Brown (Great Lakes Intercollegiate Athletic Conference): On behalf of the sponsoring organizations, I move Proposal No. 26.

[The motion was seconded.]

Mr. Kirk: This is a paddle vote with an effective date of August 1, 2005, for any competition occurring on or after August 1, 2005. The proposal was membership sponsored.

Mr. Brown: I do this reluctantly because it would appear that we may end up having the same problem. It certainly wasn't the intent of the sponsoring organizations.

We were talking about, in both of these cases, being at the varsity level and allowing student-athletes to participate in a scrimmage or an exhibition contest. This proposal defines it a little bit more closely.

I would urge support of this proposal.

Daniel Bradley (Fairmont State College): On behalf of the Presidents Council, I speak in opposition to Proposal No. 26.

As a membership, we defeated Proposal 25. For the same reasons, the Presidents Council urges you to vote against this proposal.

This proposal does not benefit student-athletes. Institutions may require student-athletes to compete in scrimmages and/or exhibition games as part of a tryout, then run off some student-athletes for failure to perform. This potential abuse can be prevented by voting against this proposal.

Moreover, Proposal 26 is only applicable to men's and women's basketball student athletes. The membership just voted that Proposal 25 is not appropriate for all sports. Division II men's and women's basketball is included in this category; thus, we should not approve this sport-specific proposal.

I urge you to vote against and defeat this proposal.

Benham Giess (Pennsylvania State Athletic Conference): I represent the Division II national Student-Athlete Advisory Committee.

In accordance with our philosophy of avoiding sport-specific legislation, the Division II Student-Athlete Advisory Committee opposes Proposal No. 26.

We acknowledge that this rule exists for fall athletes, but feel that this is justified due to

the fact that fall sports student-athletes are preparing for competition in the next academic year. This is not the case with this proposal.

We also oppose singling out men's and women's basketball from other winter and spring sports because that would not be consistent with our philosophy of avoiding sport-specific legislation.

We urge you to oppose this proposal. Thank you.

[Proposal No. 26 was defeated.]

ELIGIBILITY—FOUR-YEAR COLLEGE TRANSFERS—ONE-TIME TRANSFER EXCEPTION

Mr. Kirk: Proposal No. 27 is a roll-call vote with an effective date of August 1, 2005. This also is a membership-sponsored proposal.

Jim Naumovich (Great Lakes Valley Conference): On behalf of the sponsoring organizations, I move Proposal No. 27.

[The motion was seconded.]

After the telecast of the 2003 NCAA Division II Men's Basketball Championship, discussion of Division I transfers became a hot topic among the membership, including the NCAA Division II Presidents Council.

In response to the concerns about the impact several Division I transfer student-athletes were having on Division II programs and their substandard academic performance at the institution after their eligibility was exhausted, the Great Lakes Valley Council of Presidents took action and imposed a conference policy requiring Division I transfers with only one year of eligibility remaining to fulfill a year in residence at the institution before being allowed to compete. This GLVC policy took effect August 1, 2004.

The GLVC Council of Presidents was unanimous in its vote to propose similar legislation at this year's NCAA Convention, feeling this issue is not solely conference specific and is, in fact, one that the entire Division II membership needs to address.

Proposal No. 27 addresses the concern about experienced Division I student-athletes transferring to Division II institutions and being immediately eligible for their final season of competition. Although not all, many of these transfer students are focused primarily on competition rather than on graduating from the institution. Requiring these Division I student-athletes to fulfill a year in residence at the certifying Division II institution before being eligible to compete will enhance graduation rates and lessen the perception they are being rented simply to compete.

I urge your support of Proposal No. 27.

Joan McDermott (Metropolitan State College of Denver): On behalf of the Management Council, I speak in opposition to Proposal No. 27.

The Management Council believes this proposal is too broad in its scope and lacks an academic reason for change. If the one-time transfer exception legislation is to be modified, the Management Council would prefer to see an academic basis for doing so.

The Management Council also is concerned that qualified student-athletes who transfer due to personal reasons or reasons beyond their control may be denied the opportunity to compete and receive athletics aid at a Division II institution.

Although the Management Council opposes this proposal, the council acknowledges that the four-year college transfer rule and all exceptions should be analyzed. If the research indicates that modifications are necessary, we will take the appropriate actions. However, until that research and analysis is available, the Management Council opposes changing the one-time transfer exception.

I urge you to oppose this legislation because its scope is too broad and would negatively affect too many outstanding student-athletes.

Jamie Lee Petsch (North Central Conference): I represent the Division II Student-Athlete Advisory Committee.

The Division II SAAC opposes Proposal No. 27. As Division II student-athletes, we are concerned that this legislation implies that Division I student-athletes are superior to us and that Division I student-athletes will automatically take our spots, which is not necessarily the case.

In addition, further research needs to be done in two areas: First, the idea of the rent-a-player concept needs to be explored further in order to get a better idea of how often this is occurring; and second, the six-hour rule passed last year needs to be given time to work and evaluated.

Finally, this proposal potentially denies Division I student-athletes the opportunity to fight for and earn a spot on Division II teams. We encourage the competition. Bring them on.

We urge you to oppose this legislation. Thank you.

Charles Ambrose (Pfeiffer University): As a member of the Presidents Council and the Academic Requirements Committee, I was very torn on this proposal in the beginning.

On the basis of levels of competitiveness and perception, I supported this proposal, and commend the sponsors for bringing it forward. However, the Presidents Council believes that the depth of this and the impact on student-athletes is too broad. Therefore, we request that you oppose this proposal.

The Presidents Council primarily opposes this legislation because of its broad scope. However, we are also very concerned that it does not contain an academic nexus to its basis. If the four-year college transfer rule was going to be modified, the Presidents Council would prefer to see it on an academic basis. I've heard both sides of the argument concerning this issue and understand that some institutions are admitting transfer students for the sole purpose of competing in sport for one season—the athlete-student versus the student-athlete. Although I'll acknowledge that this does happen, I believe that it is not happening in all of our sports and in a majority of Division II institutions. Therefore, the Presidents Council does not want to take a shotgun approach and adopt sweeping legislation that has such a significant and broad impact to curtail activity for a few sports in a minority of institutions.

Lastly and most importantly, the effects of this proposal will have effects on student-athlete well being. This proposal contains finite and intentional consequences. For example, a football player who has a 3.5 grade-point average entering his fourth season of competition will not be permitted to compete unless he completes a year of residence, because he competed for three seasons at the Division I level. The variations of this example are unlimited and occur on a regular basis.

Therefore, the Presidents Council has requested that the Academic Requirements Committee collect and analyze data and refer sponsoring legislation for the 2006 Convention.

I urge you to oppose this legislation because of its scope and the negative impact it would have on too many of our student-athletes.

Dee Outlaw (University of West Alabama): In my opinion, the one-time transfer exception, when properly administered, is not broken. The success stories of Division I transfers to our schools far outweigh the negative stories that have made the national news.

I urge you to defeat this proposal. Thank you.

[Proposal No. 27 was defeated, 32-216-1.]

FINANCIAL AID—MAXIMUM EQUIVALENCY LIMITS—FOOTBALL

Mr. Kirk: Proposal No. 28 also is a roll-call vote with an effective date of August 1, 2006. This is a football-only vote.

Joel R. Smith (Rocky Mountain Athletic Conference): On behalf of the Pennsylvania

State Athletic Conference and the Rocky Mountain Athletic Conference, I move Proposal No.28.

[The motion was seconded.]

This proposal reduces the maximum number, measured in equivalencies, of financial aid awarded in football from 36 to 24 to assist competitive balance, access to a quality championship experience and gender equity by limiting all institutions at the levels chosen by the majority of the institutions that sponsored football in 2000-01.

This legislation permits one full scholarship for each offensive and defensive position, as well as two scholarships for special teams.

The effective date of this proposal will be August 1, 2006, to provide institutions time to comply with the new equivalency limits.

I urge your support.

Tim Selgo (Grand Valley State University): Our institution is opposed to Proposal 28.

Grand Valley is a proud member of Division II and will remain a proud member of Division II, regardless of the number of scholarships offered in football. But this proposal appears to be a divisive issue in Division II at a time when membership issues are a real concern. If there's a solution out there other than the current limit that is for the betterment of Division II, we're not opposed to considering it.

We do not feel Proposal 28 is for the betterment of Division II. This proposal is seen by some as a reason to look at the so-called promise land of Division I. So we are against this proposal because of its divisive nature at a critical time for Division II membership.

We are also opposed to this proposal because it would cut one sport and one group of student-athletes' athletics aid by one-third, particularly in a sport in which we have a significant number of minority student-athletes. This organization is in support of increasing the diversity of our programs, and this proposal will hinder that cause.

We urge you to defeat this proposal.

Steve Murray (Pennsylvania State Athletic Conference): I'm the commissioner of the Pennsylvania State Athletic Conference. As co-sponsor of Proposal No. 28, our conference is supportive of its passage.

Two years ago, the same two conferences sponsored a resolution on this floor. That resolution sought a general review of the current financial aid limitations in each sport, with an implied hope for a reduction in some, if not all sports. After what we presumed to have been a thorough review, no changes were considered. But we were told that if we so chose, we could sponsor legislation for change, and we have done so.

That resolution, in 2003, was forwarded for this body's consideration, in light of sweeping changes in the financial aid regulations passed in previous years under the need for deregulation. Nearly the entire division supported those changes as they were perceived to be positive. However, those substantive changes in financial aid calculations, we believe, have had an adverse impact on the ability of this division to continue to maintain a reasonably fair level of competitive parity, while maintaining financial integrity.

This division has a diverse membership. Upon a review of the snapshot of the division, you will likely find many, if not most of these institutions struggling with their ability to continue to maintain funding of competitive athletic programs. Like the other two divisions in the Association, we, too, struggle with the parity between the have's and have not's.

Proposal 28 is intended to send an alarm to our division's leadership to heed the concern of a large portion of our membership. No doubt, a cut from 36 to 24 equivalencies in the sport of football is seen by many to be a hard pill to swallow, and perhaps it is a bit hard to take. But had we sponsored another resolution or a smaller cut in a less notable sport, would we have had the attention this issue has drawn from the highest levels of our Association?

We've seen editorials and articles recently written that have countering opinions on this

issue. Much has been said about the direction that our membership profile would take if this proposition passes. I would hope that this division continues to remain second to none, but note that this division's membership has been in flux for several years now. Those that have left, did so for reasons that have nothing to do with how many scholarships they could offer. There are many more institutions dedicated to the long-term health of this division than have jumped ship for supposed greener pastures. We are primarily concerned with competitive equity within this division.

Growing up in western Pennsylvania, I'm a fan of both the Pittsburgh Pirates and the Pittsburgh Steelers. It's a lot easier to root for the Pittsburgh Steelers because the NFL ensures parity among its membership, and major league baseball does not. Just ask Randy Johnson.

In conclusion, I ask the membership for the passage of this proposal.

Paul Engelmänn (Central Missouri State University): On behalf of the Legislation Committee and the Management Council, I speak in opposition to Proposal No. 28.

This proposal will reduce the maximum limit on the value or equivalency of financial aid awards in the sport of football. Current legislation permits institutions to provide a maximum of 36 financial aid equivalencies in football to student-athletes, while this proposal seeks a reduction to 24 financial aid equivalencies. This reduction will not benefit student-athletes.

Supporters of this proposal may argue that the reduction of financial aid equivalencies in football is necessary to balance the competitive equity between institutions. However, competitive equity concerns should not justify decreasing financial aid equivalencies for student-athletes. Student-athlete well being should come first.

If adopted, Proposal 28 may result in a significant decrease in squad sizes, which thereby reduces the opportunity for student-athletes to participate at the collegiate level in football.

Furthermore, although this proposal has a delayed effective date of August 1, 2006, currently enrolled student-athletes who participate in football will be greatly impacted. If this proposal is adopted, many football student-athletes will see a reduction or a cancellation of their financial aid from the 2004-05 academic year. This result directly contradicts the Association's student-athlete's first position.

As previously stated, Proposal 28 will not benefit football student-athletes. For this reason and reasons previously stated, I urge you to vote against this proposal.

Doug Echols (South Atlantic Conference): I'm commissioner of the South Atlantic Conference. I rise in opposition to Proposal 28.

The sponsor's rationale simply does not warrant a change in national policy. All member institutions in Division II control the level of financial aid that they can afford and determine to be appropriate. I submit to you that throughout the membership, that occurs presently and supports institutional autonomy.

Additionally, conferences can set limits that institutions collectively determine to be appropriate for their affiliation. Again, that occurs presently within the membership.

The option for utilizing aid limits below the maximum allowable is an option that's presently available and utilized within the membership. Access to NCAA football championships has been increased, and research indicates that those offering aid near the maximum do not earn greater access due to the aid being provided.

A reduction in limits is exactly that. It's a reduction in financial aid opportunities for football student-athletes and would result in fewer student-athletes having the opportunity to participate in football.

On behalf of the member institutions in the South Atlantic Conference, I urge the defeat of Proposal 28.

Cory Cangelosi (Gulf South Conference): I stand before you today as the sole football

player representing the Division II Student-Athlete Advisory Committee.

The Division II SAAC opposes Proposal No. 28. This legislation will limit financial aid and opportunities provided to student-athletes. We believe that reducing scholarships based on competitive equity is never in the best interests of the student-athlete's well being.

In addition, we believe this proposal is not a true reflection of competitive equity. There is no research to support that teams with more scholarships actually win more championships.

Finally, this proposal does not take into consideration institutional autonomy. It makes no guarantee that if this proposal passes, institutions will not further decrease their football scholarships in order to still offer the same percentage of the maximum scholarships as they do now. Furthermore, there is no guarantee that the funds resulting from cutting scholarships will end up in other sport's budgets.

The NCAA Division II Student-Athlete Advisory Committee urges you to oppose this legislation. Thank you.

Mark Hamilton (Ashland University): I speak on behalf of the national university faculty athletic representatives.

We oppose this because we believe it will create a major disadvantage for private institutions, especially in our conference where we have a mix of both private and public institutions.

Private institutions generally have a much higher tuition cost and need the athletics scholarships to be able to compete on a level playing field with the public universities. Therefore, we believe that this legislation will destroy parity for the private universities in football, so we urge a vote against this. Thank you.

Doug Kristensen (University of Nebraska at Kearney): I support Proposal 28 for a number of reasons.

I think the goal of all of us is the best interests of the student. That direction should be taken in a very broad manner, not just in the narrow issue of it's going to reduce a few scholarships.

The issue here is a national one. It really goes to the fundamental survival of competitive football and the realistic opportunity to compete for championships, not just to be a disparate opponent to have access to it.

As we begin to look at this, look no further than the west coast of this country. There are fewer and fewer, in fact only one, Division II school in the western part of this country. That means those of us in the midwest are suffering, and it's going to become harder to find competition and games to play. But more realistically, with scholarships at the higher limits, there is competition, but only for those who have the higher scholarship limits. They have the realistic opportunity to win. You have to look no further than those championships. Those that have those scholarships at a higher level win.

As we begin to look at this, we need to look at what's in the best interests of the student. If we no longer have Division II programs that are able to compete for championships, you're going to lessen the impact of Division II. You may have schools that will move to Division I, but they will move for other reasons. If you lower these scholarships, there's a realistic opportunity that you're going to bring other people into Division II who are more able to compete and have realistic chances for championships.

The impact on students will be far greater when there are no programs to compete in football at Division II. It's not a matter of just reducing. Most all of us have been through tremendous budget cuts. Most of us have had reductions in tuition increases. As those tuition increases occur, you naturally lower the number of scholarships available. At some point in time, the decision isn't to reduce. The decision is I'm not going to do this anymore. And that truly is what's not in the best interests of the student.

We have competition, but for who? We need realistic opportunities for everybody to com-

pete for a championship. By lowering these scholarships down to a majority of what Division II competes at today, and that's at that 24 level, you are then allowing the entire division to compete realistically for those championships.

I know there's a tremendous amount of discussion here today about this. Certainly, those who are at the upper level I expect will stand up and say how terrible this is for their chances. But I think we need to look long term. If we don't begin to look at these issues, we will be here in two years, three years, four years, and there's going to be fewer schools that are going to have the opportunity to realistically compete. Before that happens, I urge this body to look at this from a competitive nature of all schools and not just those who have right now. Thank you.

Nancy Belck (University of Nebraska at Omaha): Doug, I would have preferred not to immediately follow you, my colleague in the University of Nebraska system. But I am in opposition to this proposal. I'm speaking on behalf of the Presidents Council and the North Central Conference.

Many other speakers have talked about how it disadvantages our student-athletes. I completely agree with that. By reducing the financial aid equivalencies from 36 to 24, there's no doubt there's going to be a significant reduction in scholarship aid, and that does not put the welfare of students first.

In addition, there have been several references to championships that specify a reduction of financial aid equivalencies will assist in increased access to championship participation. However, an analysis of the data indicates institutions that offer near the financial aid equivalency are not guaranteed greater success in championships due to the amount of aid provided. Team unity, strong coaching and the determination of student-athletes are other factors that contribute significantly to a team's success.

Lastly, I would like to add that the Management Council is working on football models with changes in classification requirements. They had significant discussion at this meeting, and the Management Council endorsed this concept. Likewise, the Presidents Council was presented some alternate models for classification, and again, the Presidents Council acknowledged that these models needed further specifics added. So it makes sense to delay a decision on scholarship reduction until we have an opportunity to look at some models that I think will significantly move our football programs forward.

Thank you very much. On behalf of the Presidents Council and the North Central Conference, I urge strongly that we defeat this proposal.

Richard Wueste (Adams State College): I'm the president of Adams State College. I've also worked at private colleges, as well as Division I, Division II and Division III schools. I work at a school that has 130 football players and offers 20 to 22 scholarship equivalencies in any given year.

We totally agree that more scholarships do not make for championships. We don't understand why, then, we want so many more scholarships.

What makes championships and what makes a winning program—and I have a winning program—is good coaching and an emphasis on scholarship and character building, as well as winning. Why do I say scholarship and character building? Because in a way, we ought to refer to the difference between real scholarships and paid competitive slots. If you are a public school, you can take advantage of interstate exchanges. You can take advantage of in-state tuition. If you're a private school, there are all sorts of ways to tap into federal and state need-based need. If a student has genuine need, they will be packaged. There are also many merit scholarship programs. If a student-scholar has the merit, he will be packaged. In fact, our financial aid system is such that if your financial aid department is doing its job, the rule is, "no athlete left behind."

So, the question is, 22, 24 or 36? The real issues are these: It's not whether our programs are going to be competitive; it's not whether there's going to be excitement on the field.

Division II competition offers the most exciting games I've ever watched. It's whether schools will be closing down their football programs.

I'm not expecting to change any minds. Wishful thinking is very, very strong among us. Those of us who are fully funded want to believe that nothing will ever change, and we will always have all the dollars we need for our programs. Those of us who are not fully funded wish to believe that somehow somebody will come along and we will be able to be fully funded. Those of us in presidencies in most schools understand that that isn't reality. Budgets are going to continue to be cut. There is going to be increased pressure to succeed and increased pressure to reduce the costs.

So many schools right now are on the brink. Those of us who love football, who love the game and don't want to ever see it leave our schools, want to stay in Division II. We urge you to consider that there are real financial consequences to not dealing with this issue.

Ralph McFillen (Mid-America Intercollegiate Athletics Association): I'm commissioner of the Mid-America Intercollegiate Athletics Association. I rise in opposition to this legislation and am representing the nine member schools in my conference that do the same.

Let me tell you exactly what a 12-scholarship reduction would do to our conference. We had in this last analysis that I looked at, 769 student-athletes in our conference who receive athletics aid for football—an average of 77 per school. We have an average of 98 young men on those football teams. So currently, there are 21 participating who do not get any aid at all.

If we reduced, and this scholarship reduction occurred, and we kept the level of percent that is given to the student-athlete, we would have in our conference 250 student-athletes who would no longer receive athletics aid in the sport of football. If you want to convert that over to dollars, if we use the average cost of attendance at \$10,000, which is probably right in our conference, and we took those 24 scholarships and applied them to the same percent level that they're currently getting, this would be approximately \$1 million less that young men would receive in financial aid.

If the sponsors of this legislation are after parity, it's there for their opportunity to participate if they want to. This is permissive legislation. If they want to increase the scholarships, that's their opportunity. If the sponsors feel that for the sport of football you need offense and defense and two additional players for a scholarship number of 24, then why is that not applied to many other sports, such as basketball? We would certainly reduce the 10 scholarships drastically in basketball if the approach was only to give the number of scholarships for the number of student-athletes that you need to play the game. Certainly, 22 is not the number that you need to participate in football.

The adoption of this legislation would have a severe financial reduction in aid. It would have a severe impact on a large number of student-athletes receiving aid. I would urge your defeat of Proposal 28.

Greg Waggoner (Western State College of Colorado): I'm the athletics director at Western State College of Colorado. I rise in support of Proposal No. 28.

I would like to read a couple of quotes out of the December 12, 2004, Grand Forks Herald. These are quotes from the president of the NCAA, Mr. Myles Brand.

He says: "I hope that our Division II membership can pause and take the time to be wise in the wake of this vote. Too many athletics programs are over-reaching in terms of classification, based on how they view a single sport. Football too often is the victim of this over-reach. Some of the problems that are associated with this, and the victims of the over-reach, are student-athletes and coaches from women's and men's NCAA nonrevenue sports. We know that to be the practical application in many cases. The fiscal pressures cited by the sponsors of the legislation are real. It is difficult for these institutions to afford 36 football equivalencies. And that fact makes it hard for them to compete with the schools that choose to fund at a higher level. The reality of it is, there is conflicting evidence of whether or not

scholarships are a result of better success at the NCAA level.”

If that is the case, that scholarships cannot create parity, then why do we have a limit in the first place? I’m a former football coach, so this is a sport that’s dear to me. I strongly believe that this legislation is good for the long-term viability of small-college football.

In the spirit of small-college football and its success in the long term, I urge you to support this proposal.

Derita Ratcliff (Kentucky State University): I rise for a point of clarification.

In the rationale that’s stated, the 50 percent awarding 24 or fewer is based on 2000-01 data. I’ve heard lots of people speak about the majority giving 24 or less. Is there new data to support that statement, or is it still 50 percent?

Rich McGlynn (NCAA Staff): To answer the question, there is not any data that we have at this point. I would point to the sponsor, though, to see if they may have some additional data to add to it. But we do not have any data, other than what is listed here in the rationale, which was put in there by the sponsors.

Joel R. Smith (Rocky Mountain Athletic Conference): We attempted to get that data two years ago. During the time that we’ve gone through the process of doing this, data was not made available to us. We did do a survey of our commissioners to try to extract that data, but were unsuccessful in getting everyone to cooperate and give us that data. But the trend from the data that we did see, did substantiate that we are still pretty close to that, if not lower, quite frankly.

Elwyn Davis (Pittsburg State University): I’m the faculty athletics representative.

I have two points I would like to make in urging you to defeat this motion. I almost hesitate to say this, but I really doubt the validity and the motivation for this. I really find it hard to believe that schools sponsor sports with the primary purpose of winning national championships.

I’m very proud of our track and field program at Pittsburg State. We’ve had numerous very fine student-athletes go through it and perform well, but we’ve never had a prayer of winning a national championship in track and field. Yet, we still sponsor the sport. So I really doubt that that should be a major concern in this.

The other problem I have with this, and Paul Engelmann alluded to it, is the effective date. This is going to be Draconian in trying to implement it. We’re really talking about trying to absorb the impact in one recruiting year, because this recruiting year for football is well underway by now. I think that would just be absolutely devastating to many, many programs.

I urge the defeat of this.

Sharon Taylor (Lock Haven University of Pennsylvania): We’re not really talking about reducing athletics aid. As we look at our 36 scholarships that have existed over many years in Division II, we’re looking at reducing equivalencies. I say that because the last few years of deregulation, particularly in the financial aid area, have taken away a great many areas in which we had to count aid. The countable aid in Division II is now substantially less than it was a few years ago.

For argument’s sake, let’s say it may have been eight to 10 equivalencies. If that was the case, that has now been filled by cash, because all of those things were taken away. So what we have in effect done over the last few years has increased the number of equivalencies because all of that other countable aid is still in our programs. It’s not just in football. It’s in all of our sports.

By deregulating, we basically have increased the amount of cash that all of us can give in Division II. Frankly, there are many institutions that we’ve heard can’t afford to do that. This is not only for competitive excellence or competitive equity or competitive opportunity. This is also for the fact that we have not minded being able to increase dramatically over the last few years, and now we’re looking at what would take us back to where we were, as a cut.

Daniel Bradley (Fairmont State College): On behalf of the Presidents Council, I would like to speak further in opposition to Proposal No. 28.

One of the main tenets of Division II is the belief that participation in intercollegiate athletics benefits the educational experience of student-athletes and the entire campus community. If Proposal No. 28 is adopted, we will not only reduce the number of financial aid equivalencies in football from 36 to 24, but we will also reduce the opportunities available for student-athletes to participate and benefit from a balance between athletics and education.

I agree that we have issues we need to look at regarding the competitiveness of football classifications within the NCAA membership structure. This is not just a Division II issue, but a college football issue.

Reducing scholarships is not the solution. Smart people should be able to find solutions to our competitive issues without taking scholarship money away from student-athletes.

I strongly urge you to oppose Proposal No. 28. Thank you.

Jerry Hughes (Central Missouri State University): I rise in opposition to this proposal.

Some of the reasons—student-athlete welfare and taking the opportunities away from our student-athletes—have been pointed out by many people. But the one thing that the sponsors have continued to talk about is competitive equity.

I was a member of the project team that established the 24. We had representation from every conference. We looked at many of the numbers of grant-in-aid limits and equivalency limits from all of the conferences. No one can ever get to 36 because you'll be under. If you're over, you're in violation. We have a number of conferences that are at zero. So when you average those two together, they are going to be at 18 automatically. So there's a number of things. Using the average that people sponsor is not valid. When you talk about the competitive-equity issue, this past year, as you know, for the first year, we went to 24 teams in the championship—four regions, six teams per region. One of the sponsors of this legislation had four teams of the four in their region, and obviously, therefore, had two move on to the round of four, and a team in the semifinals.

So I think the competitive equity is there. They had four teams in. No other conference in the country had four teams in. So the access issue is there for that conference.

I would urge your opposition to this proposal.

From the Floor: We've had an opportunity to hear the viewpoints of those opposed and those for. Could you please call the question.

Mr. Kirk: That is a nondebatable motion. It requires a two-thirds vote to pass. It is football only. We will try this by paddle vote. It's a motion to call the question, requiring two-thirds majority.

[The motion to call the question was approved.]

It's now time to decide Proposal No. 28 by roll-call vote. Remember, this is football only. If your school or conference sponsors football, please use your voting machines now to cast your vote.

[Proposal No. 28 was defeated, 46-97.]

AWARDS AND BENEFITS—TYPES OF AWARDS, AWARDING AGENCIES, MAXIMUM VALUE AND NUMBER OF AWARDS—SENIOR SCHOLAR-ATHLETE AWARD

Mr. Kirk: We're now ready for Proposal No. 29. This is a paddle vote for an immediate effective date; therefore, we will have two paddle votes on this proposal. The immediate effective date will be considered first by paddle vote, and it needs two-thirds approval to pass. After the effective-date vote, we will then have discussion on the proposal, followed by a paddle vote on the merits of Proposal No. 29.

Dee Outlaw (University of West Alabama): On behalf of Management Council, I move Proposal No. 29.

[The motion was seconded.]

On behalf of the Management Council, I move the immediate effective date of Proposal No. 29.

[The motion was seconded and approved.]

The application of Proposal No. 29 will permit an institution to provide a maximum of two senior scholar-athlete awards each year to graduating seniors under the conditions set forth in the proposal. The third condition noted in the proposal, which states that the student-athlete forego any remaining athletics eligibility, will ensure that the award is not used to circumvent other NCAA financial aid limits.

It is important to note that while this award has a potential for costing the member institution up to \$10,000 per year if the school chooses to take advantage of the opportunity, it is also likely that these awards may be funded by donors who seek to promote excellence in athletics and academics.

This proposal has an immediate effective date to permit institutions to award two senior scholar-athlete awards this spring.

I strongly encourage your support in adoption of this proposal.

[Proposal No. 29 was adopted.]

AWARDS AND BENEFITS—MAXIMUM VALUE OF AWARDS

Mr. Kirk: Proposal No. 30 is a paddle vote with an effective date of August 1, 2005.

Clint Bryant (Augusta State University): On behalf of the Legislation Committee, I move Proposal No. 30.

[The motion was seconded.]

Proposal No. 30 increases the maximum values on awards in order to adjust for inflation. The value of many of these awards has not been modified for nine years or more. As a result of price increases over this period, it is becoming more difficult for institutions to purchase the same or similar awards for student-athletes. This legislation allows for modest price increases.

Please note that this legislation remains permissive in nature; therefore, the institution retains the flexibility to determine to what extent awards should be given to student-athletes.

On behalf of the Legislation Committee, I encourage your support for Proposal No. 30.

[Proposal No. 30 was adopted.]

AWARDS AND BENEFITS—HOUSING AND MEALS—MEALS INCIDENTAL TO PARTICIPATION

Mr. Kirk: Proposal No. 31 is a paddle vote with an effective date of August 1, 2005.

Mark Linder (Missouri Western State College): On behalf of the Legislation Committee, I move Proposal No. 31.

[The motion was seconded.]

This proposal addresses a student-athlete welfare issue and will benefit all student-athletes—both scholarship and nonscholarship.

Proposal No. 31 will ensure that all student-athletes receive the appropriate nutritional supplements before and after home and away-from-home contests. Proposal No. 31 will permit institutions to provide a pregame meal and meals or snacks at the institution's discretion from the time the student-athlete reports on call for competition related to activities, throughout the time the student-athlete is at the competition, and then is released by the

appropriate institutional authority, for both home and away-from-home competition. This proposal simplifies the restrictions related to meals incidental to participation and will help institutions in monitoring which student-athletes may receive such meals and snacks.

We all have a responsibility for ensuring the health and safety of our student-athletes. By voting for this proposal, you will help guarantee that all student-athletes will receive a proper nutritional supplement surrounding home and away-from-home contests.

For these reasons, I urge your support.

Dee Outlaw (University of West Alabama): On behalf of the Management Council, I urge your support of Proposal No. 31.

Proposal No. 31 specifies that for both home and away-from-home contests institutions will be permitted to provide all student-athletes with a pregame meal, and meals or snacks from the time the student-athletes report on call, until the student-athletes are released from competition-related activities by the appropriate institutional authority.

This proposal will ease the monitoring requirements of current regulations. Per the proposal, institutions will no longer have to determine which student-athletes are permitted to receive meals incidental to participation because the proposed change permits an institution to provide meals to the scholarship and nonscholarship student-athletes.

In addition, institutions will not be required to determine the number of meals that student-athletes may receive at home and away-from-home contests because the proposal specifies that the number is determined by each institution within a specified time period. Moreover, the proposal will simplify the restrictions regarding meals incidental to participation. Therefore, Proposal No. 31 is consistent with the Division II deregulation effort.

I strongly urge you to support this proposal.

[Proposal No. 31 was adopted.]

AWARDS AND BENEFITS—HOUSING AND MEALS—PERMISSIBLE —VACATION PERIOD EXPENSES

Mr. Kirk: Proposal No. 32 is a paddle vote with an effective date of August 1, 2005.

John Powell (University of South Dakota): On behalf of the Legislation Committee, I move Proposal No. 32.

[The motion was seconded.]

During last year's Convention, the Division II membership adopted legislation to allow student-athletes to receive an additional daily meal during the preseason practice period before the start of the academic year.

This proposal extends that same benefit to vacation periods during the academic year. As with the preseason practice period, there are no limits on the amount of time that can be spent in countable athletically related activities during vacation periods during the academic year. In order to ensure that student-athletes receive sufficient nutrition during such time periods, the institution should have the discretion to provide an additional daily meal. Providing such discretion is consistent with continued deregulation efforts and promotes the principle of student-athlete well being.

For these reasons, I urge your support of this proposal. Thank you.

[Proposal No. 32 was adopted.]

AWARDS AND BENEFITS—BENEFITS, GIFTS AND SERVICES —USE OF A TELEPHONE

Mr. Kirk: Proposal No. 33 is a paddle vote with an effective date of August 1, 2005.

Clint Bryant (Augusta State University): On behalf of the Legislation Committee, I move Proposal No. 33.

[The motion was seconded.]

This proposal will simplify and provide consistency in the way that student-athletes are treated, as compared with the general student body. The focus of Proposal No. 33 is the practice of the student body. Therefore, if the general student population may use a telephone for personal reasons or at a reduced rate, it stands to reason that a student-athlete who uses a telephone under the same conditions is not receiving an unfair or extra benefit; rather, that student-athlete is being treated equal to any other student at the institution.

Finally, this proposal furthers our deregulation efforts and is a fair and logical piece of legislation. For these reasons, I encourage your support for Proposal No. 33.

[Proposal No. 33 was adopted.]

PLAYING AND PRACTICE SEASONS—WOMEN'S RUGBY

Mr. Kirk: Proposal No. 34 is a paddle vote with an effective date of August 1, 2005.

Nathan Salant (Gulf South Conference): I'm a member of the NCAA Division II Legislation Committee. On behalf of that committee, I move Proposal No. 34.

[The motion was seconded.]

This proposal will establish the playing and practice seasons for women's rugby. Women's rugby was established as an emerging sport for women in April 2002. The NCAA constitution specifies that in year No. 3 and thereafter, institutions that sponsor an emerging sport for women must be in full compliance with all NCAA legislation. Therefore, a playing and practice season needs to be created if we're going to have compliance with something.

A review of the 2003-04 schedules of 87 institutional women's rugby club teams was conducted to assist in the development of the proposed playing and practice seasons.

I urge your support of Proposal No. 34.

[Proposal No. 34 was adopted.]

PLAYING AND PRACTICE SEASONS—ANNUAL EXEMPTIONS—AUTOMATIC EXEMPTIONS—INDEPENDENTS CHAMPIONSHIP

Mr. Kirk: Proposal No. 35 is a paddle vote with an effective date of August 1, 2005.

Anthony Capon (University of Pittsburgh, Johnstown): On behalf of the Management Council, I move Proposal No. 35.

[The motion was seconded.]

Current legislation allows schools in Division II conferences to participate in conference championship tournaments that are exempt from regular season contest limits. Division II independent institutions have been examining the possibility of independent institutions having an end-of-season tournament that would be similar in format to a conference championship tournament.

The current legislation makes such a tournament problematic. Not only would games played in such a tournament count against regular-season contest limits, but a school would not know how far it might advance in the tournament. Thus, to ensure that we're not exceeding regular-season contest limits, each team would have to assume for scheduling purposes that it would make it to the finals of the tournament.

This proposal allows student-athletes at independent institutions the opportunity for the same kind of exempted season-ending experience that is currently available to student-athletes at conference institutions.

It is important to note that this proposal will not affect our independent institutions qualified for Division II championships. They will continue to qualify within their regions as they do now.

For these reasons, I urge your support of this proposal. Thank you.

Marius Dan (South Atlantic Conference): I represent the Division II NCAA Student-Athletes Advisory Committee.

The Division II SAAC supports Proposal No. 35. This special piece of legislation will enhance the experience of student-athletes at independent institutions because it offers them the opportunity to participate in postseason competition.

Moreover, student-athletes at the independent institutions work just as hard as student-athletes at institutions belonging to a conference. They should not be disadvantaged because of their institution's independent status.

We urge you to support Proposal No. 35. Thank you.

[Proposal No. 35 was adopted.]

ELIGIBILITY FOR CHAMPIONSHIPS—DURATION OF INELIGIBILITY FOR USE OF BANNED DRUGS—APPEALS

Mr. Kirk: We're now ready for Proposal No. 36. This is a paddle vote with an effective date of August 1, 2005, for any drug tests conducted on or after August 1, 2005.

Laurie Turner (University of California, San Diego): On behalf of the Committee on Competitive Safeguards and Medical Aspects of Sports and the Management Council, I move Proposal No. 36.

[The motion was seconded.]

This proposal expands the options available to the NCAA drug test field panel, as it considers a case brought by the institution on behalf of a student-athlete who has tested positive for an NCAA banned substance.

The current legislation allows the panel only two options: to uphold the positive test and apply the full penalty of withholding a student-athlete from competition for one year and lose one season of eligibility; or to fully exonerate the student-athlete with no penalty or consequence.

The third option identified in the proposal will apply in a positive drug-test case where there are significant unique circumstances that lessen the student-athlete's blame for the positive test. This option will apply a reduced sanction, rather than the full penalty.

It is important to note that this option does not apply in positive drug test cases where the student-athlete is deemed to be at no fault and therefore would receive no sanction. Also, it does not alleviate the institution of its responsibility to educate student-athletes about banned substances.

This proposal has an effective date of August 2005 and will apply only to those positive drug tests conducted from that date forward. The Competitive Safeguards Committee will ensure that the membership receives information on this change in policy.

This proposal provides a third option that assesses a lesser penalty and gives the panel the flexibility required to maintain strong enforcement of NCAA anti-doping rules, while also providing for a responsive case-by-case approach to student-athletes in unique circumstances.

This recommendation is consistent with the application of other sanctions involving NCAA student-athlete eligibility issues. For these reasons, I urge you to vote in support of Proposal 36.

[Proposal No. 36 was adopted.]

ELIGIBILITY FOR CHAMPIONSHIPS—POSITIVE DRUG TEST —NON-NCAA ATHLETICS ORGANIZATION

Mr. Kirk: We're now ready for Proposal No. 37. This, too, is a paddle vote with an effective date of August 1, 2005.

Laurie Turner (University of California, San Diego): On behalf of the Committee on Competitive Safeguards and Medical Aspects of Sports, I move Proposal No. 37.

[The motion was seconded.]

Passage of this proposal will demonstrate the NCAA's commitment to anti-doping in sport at all levels by barring an athlete who is under a national or international doping suspension from competing in intercollegiate competition.

Under current NCAA policy, such an athlete is allowed to participate in NCAA competition, contributing to the impression that the NCAA harbors dirty athletes.

Under the new world anti-doping agency code, all sports governing bodies involved in Olympic competition have agreed to work in harmony on testing policies and procedures to deter drug use and eliminate cheaters from their ranks. The NCAA has an obligation to world anti-doping efforts, and to join its counterparts in honoring international sanctions for drug use. If the NCAA continues to allow suspended athletes to compete against student-athletes who abide by the rules of fair and equitable play, the NCAA risks undermining its own authority to apply drug-testing regulations.

It is important to note that the proposal only applies to suspensions for those substances banned by the NCAA. Also, this proposal carves out an exception for those banned substances that the NCAA allows for valid medical need and academic success. This proposal has an effective date of August 2005 and would apply to athletes from that time forward.

To demonstrate the NCAA's commitment to support world anti-doping efforts and to preserve fair intercollegiate competition, please vote in support of Proposal No. 37.

[Proposal 37 was adopted.]

COMMITTEES—SPORTS COMMITTEES WITH ONLY DIVISION II CHAMPIONSHIPS ADMINISTRATION RESPONSIBILITIES—TERM OF APPOINTMENT

Mr. Kirk: We're now ready to move on to Proposal No. 38. This is a paddle vote with an effective date of August 1, 2005. This is a membership-sponsored proposal.

Melanie Nelson (North Central Intercollegiate Athletic Conference): I wish to move Proposal No. 38.

[The motion was seconded.]

The current policy relating to sport committee replacements results in some members serving six years and other members required to leave after two years. We believe four-year terms are long enough to have continuity and still not too long to prevent healthy turnover.

This proposal is clean and allows more opportunities for qualified individuals to serve. We urge your support of this proposal. Thank you.

Jill Willson (Texas A&M University, Kingsville): On behalf of the Management Council, I would like to speak in support of Proposal No. 38.

The Management Council agrees with the sponsors of this legislation. The current legislation does not allow for some members to serve a long enough term to sufficiently contribute to the committee and permits some members to serve almost six years on the committee.

Sports committees and the individuals appointed to the sports committees would be better served if appointed to a four-year term, regardless of whether the individual is fulfilling the term of the individual who left the committee early.

I urge you to support this proposal.

Mary White (Lees-McRae College) On behalf of the Nominating Committee, I would like to speak in opposition to Proposal 38.

Proposal 38, if adopted, will give committee members who fill interim vacancies on sports committees four-year terms, regardless of the number of years remaining on the unfulfilled term. While this proposal sounds reasonable on the surface, adoption of the proposal has

the potential to create problems with term rotation and conference rotation. Committee terms are now designed to maintain a balanced rotation of term expirations. Approximately one-quarter of a committee rotates off each year. Appointed committee members filling interim vacancies to four-year terms could seriously impact the term rotation balance. This legislation could create situations in which a majority of committee members are rotating off at one time, leaving the committee with few or even no experienced members.

Another area of concern with the proposal is the possibility of conference domination on a committee. With the current legislation, conference representatives serve between two and six years on the committee, depending on the time left on the unexpired vacancy. If Proposal 38 is adopted, a conference could be represented on a committee for up to eight years. This proposal could open the door to possible manipulation of committee resignations in an effort to maintain representation on a committee for an extended period of time.

On behalf of the Nominating Committee, I encourage your opposition to Proposal 38.

David Riggins (Mars Hill College): All of us would applaud any piece of legislation with the intent of providing equity without undoing a system that has served us well.

As a former member of the Championships Committee, I would encourage you to pay attention to the Nominating Committee because they are the folks who work where the rubber meets the road.

But I'm not sure that the legislation, as written, provides either intent. It certainly does not provide access to a system that has served us well. Folks who have served on NCAA committees know our current system and our staggered rotations have provided some orderly access. It's provided access to individuals, to institutions and to conferences on an equitable basis.

This legislation does not provide equity in terms. I know that sounds impossible as the legislation is written. But in practice, having been a former member of championships who handled waiver requests, here is where we're headed with this legislation: In the event that those terms become unstaggered and you have a significant number of members of a committee going off at one time, then that committee will have to have an extension. Someone's term will have to get extended. Then it becomes an arbitrary process. That committee is now asked to make a decision between two or three members going off. It's not a legislative decision. It's an arbitrary decision.

I ask that we not put any of our committees in that decision-making process. Thank you.

Anthony Capon (University of Pittsburgh, Johnstown): I would also like to support the position of the Nominating Committee on this proposal.

This proposal has unintended consequences that may significantly impact the way the Division II Nominating Committee does its work and the way Division II sports committees do their work.

Currently, there is one cycle for most committee appointments in Division II. With most committee appointments having a September 1 date, there is a specific deadline for applications for those appointments. The Nominating Committee meets and acts on most appointments at one time. These appointments are then folded in through the governing structure, and the committee appointment becomes effective September 1. Interim vacancies are dealt with as they arise.

Under this proposal, the anniversary date for committee appointments will no longer be September 1, but rather when the person was appointed to that committee. Over time, vacancies will tend to spread out over a 12-month period rather than most of the vacancies being September 1. Instead of having one consistent deadline for committee nominations, we may have to have multiple deadlines. Rather than being able to deal with the bulk of the vacancies in a single meeting, the Nominating Committee may have to have multiple meetings.

In addition, because resignations will occur at unpredictable intervals, it is likely that in

some committees, members may rotate off during the championship season, or just before the championship season. Because resignations will be unpredictable, it is certainly possible, as has been noted, that in small committees, all or most of the members of the committee may end up rotating off in the same year. This can happen under the current system. However, the current system of staggered terms ensures, to the extent possible, that when appointments get off cycle, that they get back on cycle. This proposal does the opposite. It ensures, to the extent possible, when appointments get off cycle, they stay off cycle.

A legislative principle that we have followed in Division II for many years is that we legislate for the 97 percent, not for the three percent. Most persons appointed to sports committees do, in fact, serve four-year terms. Because of the timing of resignations, some may serve up to six years. Again, because of the timing of resignations, there are some individuals who may serve slightly more than two years and are not eligible for re-appointment. This is unfortunate. But we cannot and ought not legislate for every eventuality. The potential problems that this proposal may cause significantly outweigh any benefits.

I urge the membership to listen to the recommendation of the Nominating Committee, and defeat this proposal. Thank you.

[Proposal No. 38 was defeated.]

WINDOW OF RECONSIDERATION

Mr. Kirk: Congratulations. We have completed our voting with only a few delays. We thank you for your patience while we worked out some of the technical difficulties and interpretations.

I would now like to open the window of reconsideration for all of the proposals we just considered. Any delegate who voted on the prevailing side of any proposal may now move for reconsideration. Seeing no motions to reconsider, I think we're ready to move on and close that window, and move to the open forum.

OPEN FORUM

Joseph Polak (Southern New Hampshire University): I'm athletics director at Southern New Hampshire University. I'm glad it's the open forum and not the window of opportunity because I know I might be booed off the microphone.

For a couple of seconds, I'd ask this distinguished body not to think about championships, competition, academics or legislation. Three weeks ago, the tsunami in Southeast Asia caused the greatest natural disaster of our lifetimes. I ask that everyone go back to their campuses and ask every student-athlete to give just one dollar for this relief fund. I also ask that conference commissioners step up, and that each conference give \$1,000 to this relief fund. I think that all the people there will appreciate it. Thank you.

Mr. Kirk: Thank you.

Anyone else who would like to rise and speak to the delegates, please do so now.

I want to announce that there is a luncheon in Longhorn Exhibit C and D. That will begin after I get done here. So I stand now between you and lunch.

I will have a few more things to say, but I would like to take advantage of the chair to read a resolution that I would offer to you:

"Whereas, the Division II Management Council supported the idea and the development of the inaugural Division II Sports Festival; and

"Whereas, the Division II Management Council created an event that brought together 70 athletics teams representing 18 conferences and consisting of 655 student-athletes to compete for six national championships; and

"Whereas, the Division II Management Council created an event that attracted 1,600 fans

and spectators and had an estimated economic impact on the city of Orlando of \$3 million; and

“Whereas, the Division II Management Council created an event that was recognized by Sports Travel magazine as the best collegiate multisport event of the year; and

“Whereas, the Division II Student-Athlete Advisory Committee has become actively involved with the Make a Wish Foundation; and

“Whereas, the Division II Student-Athlete Advisory Committee has worked to raise funds for this nonprofit organization by initiating fund-raising efforts at the campus, conference and community levels; and

“Whereas, the Division II Student-Athlete Advisory Committee has exceeded its original goal to raise nearly \$50,000 for that charitable organization last year;

“Therefore, be it resolved, that the Division II Presidents Council wishes to congratulate the Division II Management Council and the Division II Student-Athlete Advisory Committee for these outstanding initiatives.”

I would also like to recognize the outstanding work of the three chairs. Please stand. Sue Wiley of the Management Council, Ben Giess of the Student-Athlete Advisory Committee, and George Hagerty of the Presidents Council. Let’s congratulate them. (Applause)

I would like to thank NCAA photography for the Division II pictures that we saw on the big screens today.

I thank each and every one of you for your time, your attention, your hard work and your patience.

I’m asking all the delegates to peel the stickers off their voting units, and remind you to leave them on the table in front of where you’re seated before you leave the ballroom. The staff will pick them up.

Again, my gratitude to all of you for all that you do to make Division II so special.

With that, I would like to adjourn this business session of Division II. The 2005 NCAA Convention is now considered closed. See you next year.

[The Division II business session was adjourned at 11:38 a.m.]

Division III Forum

Sunday, January 9, 2005

The Future of Division III—Phase II Forum was called to order at 9 a.m. by Bridgewater College (Virginia) President Phillip Stone, chair of the Division III Presidents Council.

OPENING REMARKS

Mr. Stone: A very good morning to all of you. I am Phil Stone. I chair the Presidents Council for Division III, and I am chairing the Oversight Committee. Today, we want to provide you information related to the ongoing review and consideration of the future of Division III. We call it Phase II, because last year we completed Phase I, which had to do with a series of conversations, surveys, legislative package and that kind of thing.

Joining me on the dais to my immediate right is Suzanne Coffey, director of athletics at Bates College. Suzanne chairs the Management Council. Suzanne and members of the Council will present information to you later today. Suzanne, thank you. To her right is Ivory Nelson, president of Lincoln University and the vice-chair of the Presidents Council. Dale Knobel is the president of Denison University and a member of the Presidents Council. Deborah Stanley, on the far right, is the president of the State University of New York at Oswego. There are several NCAA staff members here. Dan Dutcher, our vice-president; Bridget Belgiovine, director of Division III; Eric Hartung, associate director of research, and you will hear a good bit from him today; and Leah Nilsson, our associate director for membership services.

During the next couple of hours, we will focus on what we have been calling Phase II of the future of Division III. Last year, we had a legislative package that provoked a lot of interest, and frankly, a good bit of controversy. It attracted the interest of not only the people in positions who regularly attend the Convention, but also the best presidential participation we ever had.

So, that was one of the nice things that happened last year. We completed that package and are in pursuit of the resolution called Proposal 66 that overwhelmingly was passed as part of the package to address and look at the future of Division III.

This morning, we would like to see where we stand today, how we got here, what has been going on and what is next. I want to emphasize that the program has been set up with these tables so that this forum will not be one-sided. This forum is not designed to simply provide you information, although that is going to be done. It is important to let you know what has been going on. But this forum is really designed to hear from you. The tables are arranged to facilitate discussions and to make sure that we get your advice and counsel.

This whole process is to be driven by the membership. There is no hidden or private, or whatever term you want to use, agenda. There is no legislation that anybody has in mind.

I have not heard of any proposed legislation. The discussion we'll have is to pursue Proposal 66, which directed us to look at the future of the division in terms of the implications of the growth of the division and try to understand where we are headed and where we want to go. That is a membership decision. Our job is to try to set up a process to facilitate the members' preferences and the members' choice, and that is what we will try to do.

In doing that, we have asked several members of the Presidents Council, the Management Council, Student-Athlete Advisory Committee and several others from the Convention and Planning Subcommittee, as well as staff members, to sit at the various tables to help facilitate the discussion and take notes so we get that information back. We will certainly look to them to make sure they are the conduits to get the information that you provide them.

You can see who they are at your table and also look around the room and see how many people are helping us with this process. Let me ask them to stand so you can see who they are. Those of you who are facilitators, will you stand so everybody will know who you are? I want to express appreciation for your work this morning. (Applause)

Let me briefly review the process in terms of what we have been doing during the past year. We started with the premise that the membership, by overwhelming, almost unanimous, approval of Proposal 66 directed us to bring up for consideration the implications of growth within Division III. That resolution identified several issues that needed to be looked at. That is what drives the process.

Some of these elements were:

- Membership growth and diversity.
- The broad-based program philosophy and related issues regarding sport and program equity.
- Appropriate championships and postseason access and funding.
- Access to other programs and services.
- Steps to further enhance and use greater exercise of institutional and conference autonomy, including the establishment of more restrictive legislative practices and standards.

That is what came out of the resolution. The resolution also called for an interim report to the membership at this Convention and for any legislation that emerges from the process to be considered at next year's Convention.

It is important to remember that at the time the resolution was drafted, we had before us but had not yet voted on what was called last year the "reform package." So, the resolution could not have fully anticipated whether some ideas might be moot. We use the word "moot-licity" here. Moot would apply here because we took action, so obviously this resolution was part of that whole legislative package, and we could not anticipate how that would come out.

The other point I want to emphasize is that with the adoption of the resolution by the membership, the Presidents and Management Councils agreed to incorporate into Phase II the features that seemed to be most successful in preparing for last year's program. Not because the legislative package might emerge, but because we learned some things we thought were really valuable about how we communicate with each other. We also wanted to make sure we kept those ideas and make adjustments where we thought we could improve them. We tried to do some of the following things that are very much like what we did before, but with some additions:

Establishing a joint group of Presidents Council and Management Council members to oversee the process—the Oversight Committee. And we have been working throughout the year on that. Knowing that we had expertise in our existing committees, that those of you who serve on those committees have great expertise to offer, we wanted to take advantage of those instead of setting up a lot of new committees.

We also wanted to retain the opportunity for regular in-person visits that we had started over the last couple of years of going to conferences and meeting with the groups to ask what are your views, what are you hearing and what is your recommendation?

We wanted to include other opportunities for direct membership feedback in things like conference meetings and survey focus groups and regional meetings. We also wanted to make sure we took advantage of some objective research to make sure this was an analytical process. You will hear a good bit about that today, and you just recently received a report on much of that research.

We also wanted to make sure that we continue to have CEO involvement. I am really pleased that we will have several dozen CEOs in our conference here for Division III. We are very pleased about their involvement. I think you have already seen that their involvement makes a difference in terms of how things are done and how they come out. I also hope that

you feel on your campuses that their additional involvement may give you greater advocacy and support. I hope that is your experience.

We also want to make sure that the forum today is another process, but then we want to continue the dialogue after today with as many interest groups as possible. Good communications with the membership is essential if this is going to be a good process. We have relied hard on the work of the Management Council. The Management Council is an incredibly hard-working group. There are athletics directors and a couple of presidents on the committee chaired by Suzanne Coffey. I am going to turn to Suzanne Coffey, who will tell you about those communications and issues.

COMMUNICATIONS INITIATIVES

Suzanne Coffey (Bates College): Thank you, Phil. Thanks to all of you in attendance this morning. Your participation leading up to the Convention and your energy around these issues, and your wise counsel in the coming months is critical to the division. So, we thank you for being here.

As President Stone has suggested, the Presidents and Management Councils, and especially the Joint Oversight Committee, has spent a great deal of time focusing on how best to communicate with the Division III membership regarding Phase II of the future of the Division III initiative. Our efforts have been both traditional and a bit innovative in that regard.

We have used the more traditional methods of communication that you are accustomed to. Those include written communication through the quarterly Division III newsletter, through periodic articles in *The NCAA News*, and through membership-wide mailings at key junctures in this process. Those also include in-person communications.

We have especially focused on attendance of Council members at conference meetings. Since last April, Council members or staff have attended more than 50 meetings of conferences or groups of independents to discuss a variety of issues, but especially the Future of Division III—Phase II project. We also focused on regional and national presentations, including the spring regional rules seminar, the NACDA, NACAWAA, and FARA meetings, to name just a few.

Perhaps the most innovative communication we implemented was to establish the virtual focus groups (VFG). These are electronic communication networks and discussion forums established for each conference, as well as for the independents. The VFGs are an attempt to establish a regular communication link between members of the Management Council and each conference or group of independents. The VFGs also are an attempt to encourage more dialogue within each of your conferences. Each focus group has included a chief executive officer, an AD, an SWA, an FAR, a student-athlete and a commissioner. In the fall, we also added two coaches to each VFG.

The focus groups are managed by a moderator from the Management Council. Updates on key issues are sent to the VFGs after each quarterly meeting of the Management Council and the Presidents Council. So, four times a year communications are sent out. The Councils are also forwarding to the VFGs specific questions or issues for response. This has been especially true regarding the Future of Division III—Phase II project. The Councils have forwarded three communications in the course of the last year. We have received more than 80 individual responses from members of 27 different focus groups. Every constituency was represented in the responses.

Would virtual focus group members please stand and be recognized? (Applause) Thank you. You are the ground level of the communications initiative that we believe will truly benefit the division.

We are especially thankful to those of you who have helped to launch our focus group effort by participating in our early communications. I encourage all delegates to contact the relevant members of your conference or association of independents focus group and share your thoughts regarding key issues under discussion in our division, most importantly, the issues under discussion today during this forum.

We review and discuss focus group feedback at every Management Council meeting, and that feedback informs and enhances our deliberations. The VFGs are intended as an important communication vehicle for the governance structure, so I can't emphasize enough how important your participation is. If you need more information regarding the membership of your conference or group of independent VFGs, you should consult the Division III Web site, your conference commissioner or the Division III governance staff.

We will continue to rely on all of these communication tools during the coming year. All of this information is also available on our Division III Web site. Thank you again for your participation leading up to the Convention, for the participation that we anticipate today and for your work as we go forward. Thank you. (Applause)

Mr. Stone: Thank you, Suzanne. Next, we will focus on the results of the recent membership survey regarding the future of Division III. I would like to make three general comments in that regard. The first comment relates to the scope of the survey.

As you know, the survey asked us questions in seven key areas: membership growth; championships and postseason access; sport and program equity; sports sponsorship and broad-based programs; academic success; cultural and campus integration; and conference affiliation.

These topics were either specifically addressed in Proposal 66, which I have referred to that was passed last year by the membership, or with a reasonable or logical extension of them to make the survey complete. In this way, the survey really was an attempt to try to find out or to carry out the directive of the resolution or Proposal 66.

The second comment relates to the survey format. In each of those seven areas, the survey first included a factual summary of the current state of affairs and what we are doing now? Then it tried to provide to some extent questions and answers for that section. We will review some of those facts when we address the survey results and related discussion questions later this morning.

The survey also asked philosophical questions. We wanted to find out if we really share the same values. Are we committed to the same philosophy? We are getting bigger, maybe we ought to check in on that. So we looked at those seven areas and asked philosophical questions.

For some of you, those questions may seem pretty obvious. But we really thought it was important that we make sure we start from the same predicate, that we have the values that we think we share, and as you see from the results, we think we do. Those also come out of our mission statement, existing documents or some logical extension of those.

It not only asked for the extent of support or opposition regarding each statement, but also asked if the issue is best addressed at the national, conference or institutional level, or a combination of those. In each of the seven sections, the survey identified some practical applications and asked about the extent of support and opposition for each of those.

The Joint Oversight Group identified each practical application, either through the resolution or through the related discussion as a possible initiative to address various issues and challenges in that topical area.

A third general comment relates to how the oversight group and governance structure has used and will continue to use the survey results. The survey contains a lot of very valuable information. As a division, we must be sure, to the greatest extent possible, understand the survey results before we try to make use of them.

The process started with the Joint Oversight Group and continues with the virtual focus

groups, and it continues with our discussion today. Please do not assume that the governance structure has identified specific legislative solutions.

I want us to make sure we continue to remind ourselves as members that the NCAA does more than legislation and rule-making. We want to continue to remind ourselves of that. There are other ways we work. So, there is no specific legislative proposal that I have heard, but it may emerge. That is the openness of the membership discussion. It may emerge from this process, from your discussions, from things you bring up that you want to see done, and that's the way it would work if it happened.

So, some things will best be addressed at the conference level, some at the institutional level and some may be done through best practice prescriptions. Others may be done through good conversation. There are various ways we work without having a coercive rules-making process.

We have focused a lot on the concept of local and conference autonomy. We want to make sure that the authority and the independence of the institution and the conference are recognized and facilitated. Please keep all these points in mind as we review and discuss the survey results this morning.

Next to present will be a person, who along with his team members, has just been extraordinarily busy and valuable in doing this. When you look at all the research and all the slicing he has done to try to make it meaningful so we could look at all aspects of it, he has just done an incredible job of making it manageable material for all of us.

I am pleased to turn to him now, Eric Hartung, who is our associate director of research for the NCAA. Eric, thanks for your good work, and thanks for your presentation now. (Applause)

SURVEY RESULTS REVIEW

Eric Hartung (NCAA Staff): Thanks, Phil. I appreciate those kind words.

I would like to go through the survey results and give you a general overview of the results. The final report from this survey was delivered to your institution last month. I hope you have had the opportunity to review it.

One thing I would like to underscore is that the survey results do not necessarily provide answers, but it does provide directions to take and directions for inquiry that are very important to the membership.

Let's start with an overview of the process. A survey was sent to each institution soliciting a CEO response. We were looking for a singular institutional voice. As you will see when we talk about the response rate, we think we have clearly attained that.

Detailed background information was provided to establish context to each of these areas. As you read through some of the questions, they may seem ambiguous on face value, but put in the context that was provided, we hope that they give you much more substance and the ability to answer and to respond to each of the items.

We did have a target response rate of 80 percent. That comes from our Future I survey that we conducted last year. From a survey standpoint, we set the bar quite high for ourselves. This time around, we surpassed that and had just about an 82 percent response rate. October 29th was the submission deadline. We did extend the deadline. We realized going into this that this is an extremely busy time on your campus. But we also knew that we had the commitment to deliver a report to you at this Convention and to move this resolution forward. We were able to extend the deadline and incorporate all 352 responses into the final report.

Let's talk for a moment about response rate. Out of 430 total institutions, we had total respondents of 352—that is 82 percent. That actually falls almost exactly on our overall demographics of the membership as a whole. With an 82-percent response and a careful

look at the demographics of the respondents, we feel very confident that we have a true representative sample of Division III.

As for the analysis that was conducted, you will see in the detailed report that the overall responses are reported in simple percentages. We averaged levels of priority reported for items pertaining to importance. We built a series of institutional profile constructs. We looked at institutions' demographics, academic selectivity and athletics program demographics as well. This information is culled from a number of reports that the NCAA collects annually and outside sources that were able to give us a lot of information about the institutions.

Within each of these constructs are a number of variables. Each one of these variables was tested statistically against the item response. You'll see in your report that we were reporting out in our breakdowns in the summary sections where there was a statistical significance between the item response and the profile variable that we were looking at.

Then we dug further and we were able to present and attempt to draw some conclusions based on that information. This is a list of the institution profile variables that were used.

In the public/private designation we used school size and cost of attendance. We looked at the proportion of student-athletes in the overall student body. It was very helpful to get a handle on the pervasiveness of athletics in terms of numbers on each campus. The percentage of applications accepted was another one that we were able to use to attempt to get at the academic selectivity of each of the institutions.

Let me take you quickly through a sample question so you understand exactly what we were going for here and how this is handled in the report. Each one of these sections led off with a series of philosophical-based questions. This comes from the very first section—management of growth—and reads: "A Division III philosophy statement specifies that the NCAA will assist members in developing the basis for consistent, equitable competition while minimizing infringement on the freedom of individual institutions to determine their own special objectives and programs." There were three sections that followed the statement. Section A asked to indicate your level of support for this on a six-point scale. We report these responses and percentages. Section B asked you to once again reflect on that statement, and asked whether this should be addressed at the national level, the conference level or the institutional level. Each one of those is reported along with the percentages of responses.

Section C asked the responder to help us prioritize this statement. What we have done is simply given you a mean response to the item based on that one to five scale that was provided, with one being the lowest priority and five being the highest priority.

When you look at this, there may not appear to be very much difference between these. That in and of itself is a result and one we pay careful attention to. If we look at it a little bit further, as more institutional profile variables were used—the percentages of acceptances enrolled, institutional graduation rate—we realized that we do not have a student-athlete graduation rate for Division III institutions. But we were able to take the overall institutional graduation rate—that is the six-year federally collected graduation rate—and use that as a profile variable as well.

For the total number of student-athletes, men and women, and the overall number of teams, we looked as far as geographical districts and conference affiliation as well to begin to look for trends in the data and trends in the responses based on these profiles.

Let me give you a quick example of how the demographics played out. In the upper left, you see the enrollment. What we have done is simply take the enrollment for each institution and use percentile rank to determine quartiles with the 50th percentile being 2,088 for the overall enrollment at the institution. We were able to then take this profile and put this against the item response again in an attempt to detect a trend based on this piece of information. The cost of attendance was done in the same way, putting it in quartiles with the 50th percentile falling at \$17,300.

There were some general findings. As I noted, each section begins with some philosophical statements. Each of these statements, regardless of which section they were in, received more than 75 percent support. Once again, it may not be a surprise and you may be scratching your head and saying why would you even ask these questions?

Once again, as Phil had noted, we are looking to reaffirm our philosophical core, our philosophical base. That is extremely important before we dive into the practical applications. These philosophical bases also help us when we look at these in comparison to responses on practical applications. We then may begin to see some very interesting trends.

In the area of practical applications, we have varying levels of support, depending on the item itself. We do the “cross-eyed analysis” used to detect trends. The idea here is, as you look at it, you simply take a certain group that answered in a particular way on one item, and you look at how they answered in another item. That again helps us to detect some trends across the items. Then, once again, the item of responses was tested against demographics to detect trends as well.

I would like to take you through each one of the sections and give you a few highlights in terms of results that we found.

In the area of management of growth, for the item to maintain the current Division III structure, 70 percent strongly support or support. For creation of a subdivision, 40 percent indicated some level of support, meaning strongly support, support, or somewhat support.

For limiting of membership growth, 45 percent indicated some level of support. One of the conclusions we were able to pull together, schools that support or strongly support limiting membership growth do not hold the same profile as those that support or strongly support the creation of subdivisions. That is just not necessarily the same schools that are supporting each of these.

For the next item—support or strongly support the creation of a subdivision and limit membership growth—using these two pieces and looking at these items in conjunction, six percent support or strongly support. When we looked against the demographic variables, we see that expensive, selective and a high proportion of student-athletes in relation to the student body is a profile that we found of this six percent of schools.

The next area was access to championships. There was not a majority of support for any of the practical applications. That is a finding in and of itself. This is a clear finding that says that this is an area where we clearly need to dive further to attempt to pull these items apart.

Under eliminate Pool C berths, 58 strongly oppose or oppose. Under amend the policy of fully funding championships, 61 percent strongly oppose or oppose. Under expand the championships format to four weeks, we see two bookends: 28 strongly support or support, and 33 percent strongly oppose or oppose. That is roughly a third sitting at each end of the spectrum. As for access to championships, increasing the minimum size of conference sponsorship: 37 somewhat support or somewhat oppose. This highlights that we have about one-third that are sitting right in the middle. Increase the number of mid-week contests: 40 percent somewhat support or somewhat oppose. Once again, sitting right in the middle. Does this necessarily mean that there is indecision? It may possibly signal a lack of understanding of exactly what was being asked. That clearly could be an issue there. Maybe we need to elaborate further and go back to the membership and ask these questions again to delve further, to try to find answers.

In the sport and program equity section, the majority supports each practical application at some level. Some of these should not be surprising. NCAA programming—more than 75 percent strongly support or support. That is probably not too surprising. Establish travel roster maximums—50 percent strongly support or support. Establish coaching limits—44 percent. Policy to encourage sport equity—54 percent. I think what we are seeing here is the last three items I just named would be clearly items that need more exploration and directions for further inquiry.

Sports sponsorship is the next section. Each one of these practical applications received mixed levels of support. Adjust sports sponsorship requirements based on enrollment—you have 30 percent sitting at strongly support or support, and 30 percent at the other end. Permit national dual memberships—42 percent strongly oppose or oppose, 25 percent strongly support or support. We have sports sponsorship continued here. Increase sports sponsorship requirements—roughly a third strongly support or support. What was interesting here, we were able to get a finding from our demographic variables, characterized by greater cost of attendance, higher grad rate and a greater athletics presence with a higher proportion of student-athletes and more athletic teams. That is what that 31 percent could be profiled as. Then we had 38 percent sitting at strongly oppose or oppose. They did not necessarily have the opposite profile. There was a mixed profile on this strong opposition or opposition. There was majority support for using both graduation rates and college grade-point averages in assessing academic performance.

While we are on the academic performance section, respondents were less than enthusiastic about using the class standing, although over 40 percent do strongly support or support this.

Then the final piece, academic success, is the use of postgraduate placement, and there was split support here. This section helped us to give some measures that may help us to understand some issues quite clearly.

There are just two sections left: cultural and campus integration. This was one that was loaded with philosophical statements. We pulled out the strong support for philosophies. This table, which is broken up quite significantly, is in whole in your final reports, so you can look at it that way, too. This is not anything new. This comes directly from the report.

We have taken each one of the items and looked at the strong support, and then put them in simple order from high strong support to the lowest. What you begin to see is an interesting trend. Coaches and administrators should exhibit fairness and openness and honesty, almost 95 percent.

As we move down, student-athlete activities are conducted as an integral part of the educational experiences, 85.5. Importance and emphasis on internal constituency rather than general public, we are down now to about two-thirds. Then when we get down to the last item, significant broad-based educational efforts are necessary and desirable: 42.2 percent.

The final section had to do with conference affiliation. Most respondents support conferences consisting of institutions with some common criteria, including institutional missions, academic and athletics profiles, and geographic proximity.

Respondents were split, though, on affiliation based on favorable trend championships access, and realignment without the loss of automatic qualification. The interesting point in this section is that there is not a consistent institutional profile that emerges on these items. In other words, there is something beyond institution characteristics driving these responses.

In closing, I would like to underscore that, and that in a way goes for all of these responses, that there is clearly more to be looked at; there is more to be studied here. Once again, I do believe that these responses and results of this final report do give us some direction. I hope we will make our discussion over the next period of time this morning very fruitful. Thank you very much. (Applause)

Mr. Stone: Thank you, Eric. I invite those of you in the back to help us with the discussion. Come on up and join us at the tables. There is plenty of room. It is not disruptive if you come on up. If you can't stay, I understand you might want to remain back there. Do feel comfortable coming up front here.

We now want to focus on some of the specific survey results that Eric has just described in generalities and look at some of the specifics, and give you a chance to offer some feedback and some analysis of those.

In addition to serving on the oversight group, the three presidents who will help us with this discussion for the next hour or so also served as members of the subgroups that they will relate to as they present information to you. They will make the presentations and then you will have a chance to have some discussion at your tables, and then we will move to the next item.

The first grouping covers management of membership growth and championships, and postseason access. To lead that discussion, I will turn to Dale Knobel, president of Denison University. Dale.

MANAGEMENT OF GROWTH AND CHAMPIONSHIP ISSUES

Dale Knobel (Denison University): Thank you, Phil. As you heard repeatedly, the survey was intended not to end conversation, but to begin conversation. The survey takes nothing off of the table, but rather gives us the opportunity to engage with more background, with important issues to the membership. We will start with that now as I try to put two issues before you that you can begin to deal with.

There are issues that may be related to membership and the growth of our membership. I want to share a few facts with you, many of which you are already familiar with and some of which you may not have been acquainted with before. We currently have about 422 members in our division, and 42 voting conferences. There are another 25 colleges and universities in the provisional process, or at least have taken the step of expressing interest. We know that there are others waiting in the wings. By 2010, our membership will have grown to at least 450 with further prospect of growth beyond that. In fact, since the founding of our division, about half of all of the new members of the NCAA have come into Division III. In fact, by 2010, Division III will be approaching 45 percent of the total membership of the NCAA.

Our annual membership dues in the division have remained unchanged since 1984—\$900 for individual institutions annually, and \$450 for conferences. One of the principal reasons for that has been that our principal funding comes from outside the division. It is a proportion of the overall Association revenues, currently at 3.18 percent. That proportion is not directly related to the size of our division. That is decided outside of the division. It grows as revenues grow, but that proportion doesn't necessarily grow over time.

Clearly, there are issues related to growth. Some of those are budgetary, some of those have to do with access to national championships. Others of them have simply to do with our ability to function as a division as a result of size and diversity. It affects our ability to agree on common principles and common goals. There are also some facts related to championships and access to championships. Some of those are related to growth, some of those are unrelated to growth. Currently, Division III fully funds NCAA championships. About 80 percent of the divisional budget, in fact, is spent to support the championship program. That is around \$11.5 million a year going to about one aspect of our life together.

As you know, automatic qualification currently exists in most team sports. Each conference sponsoring at least seven teams in a particular sport automatically receives a conference bid. That is the so-called Pool A. In addition, remaining bids are available to independent institutions. That is Pool B for championship purposes. Then there are at-large selections in the so-called Pool C, which is distributed on a proportional basis.

In 2005 and 2006, team-sport access ratios will increase from an average of one championship opportunity per 7.5 institutions to one per 6.5 institutions. Current access ratio and related policies will accommodate membership growth in their current form, only through 2010, in the most heavily-sponsored sports in our division.

Without some adjustments in the way we do business as the division grows, we will have maxed out. You earlier heard Eric summarize some survey results in the area of both mem-

bership and championships. One thing Eric underscored was that there didn't seem to be strong support from any of the practical applications that grew out of the survey, practical applications related to managing our future membership growth, or as they relate to championships access.

We have identified specific discussion questions for you to address. I am going to editorialize on this. Do you believe that Division III's size may become an issue? If you believe that the size of Division III will become an issue over time, what do you believe is the answer? We would like some practical feedback.

You also heard that there is no clear support for any of the options identified to address the issues of championships and postseason access to championships. We have identified two different discussion questions for you. One is related to growth, and one is not related to growth. The first one is not related to growth. The Division III philosophy indicates that primary emphasis will be given to regional in-season competition. The survey results indicate that 75 percent of all respondents agreed with this philosophical statement.

Regional competition has been an emphasis for championships selection criteria and other procedures related to championships access. Yet we have heard from the membership continuing concerns about that. Independents have sometimes described their difficulty in gaining access to the championships because of the dearth of opponents within their region. Other colleges, while finding enough institutions numerically in their region, have found it difficult sometimes to find institutions that are suitable to schedule against. Other institutions have wanted to play a larger proportion of their games outside of their region.

So, the question is should championships access policy be revised in relationship to regional competition? If so, how do we remain true to our traditional philosophical principle, or does that require an amendment as well? The second issue related to championships is more closely related to the earlier issue of growth. It is anticipated that the current Division III championship format will max out in terms of our ability to accommodate championships at the same ratio of participants to member institutions by 2010, possibly creating a need to revamp the system, to continue to support the automatic bid system that we have currently. What alternatives should we pursue? Does it involve the elimination of Pool C? Does it involve lengthening the period of time the championships consume to more than four weeks? Does it involve addition of mid-week contests? We need your feedback on these issues.

There are really three questions before you. We would like now to turn over about 15 minutes to each table to tackle the questions. If you can't answer all three, at least pick two. We have a current or former member of one of the governing councils as a facilitator at each of your tables to help get the conversation started and make a record of your conversation.

At the end of our time together this morning, you will have an opportunity to provide some feedback for the benefit of the entire group. Please begin your discussions. Thanks for the feedback that you will be able to provide.

[Note: Delegates discussed the questions.]

SPORTS SPONSORSHIP AND SPORT EQUITY ISSUES

Mr. Stone: The second grouping covers issues related to sports sponsorship and sport equity. Leading that discussion will be Ivory Nelson, president of Lincoln University.

Ivory Nelson (Lincoln University, Pennsylvania): Thank you, Phil. Here are some of the key background facts to keep in mind about sport and program equity.

- The Association has adopted a principle of gender equity.
- Division III has not further defined sport or program equity, but does allocate resources through our strategic initiatives to support ethnic and gender diversity.
- The proportion of women participating in Division III athletics, 42 percent, has not

increased since the year 1999-2000.

- Overall budget allocations and recruiting expenditures do not appear to have improved during this time on our campuses.

In relation to sports sponsorship and the broad-based program philosophy:

- Division III requires a school to sponsor a minimum of five sports for men and five sports for women, with at least one sport for each gender in each of the three sports seasons.
- Member conferences also must meet the five-sport/three-season requirement.
- The average Division III school sponsors approximately eight sports for men and 8.5 sports for women.

Based on the survey results, we have identified three questions that we would like you to discuss.

Here is the question regarding sports sponsorship and broad-based programs: Approximately 86 percent of responses indicated support or strong support for maximizing the number and variety of athletics opportunities for students. Responses to adjusting sports sponsorship based on enrollment were mixed, with approximately 30 percent in strong support or support, and approximately 30 percent in strong opposition or opposition. The responses to increase sports sponsorship were similar.

If an alignment of sports sponsorship and institutional enrollment were to occur, would it be more appropriate to require institutions with greater than average enrollment to increase sports sponsorship beyond five for men and five for women, and/or for those with less than average enrollment to drop below five for men and five for women?

Here is the question regarding sport and program equity: Survey responses indicated support for the concept of implementing a policy to encourage sport equity or discourage tiering. How should the division manage this issue? Approximately 77 percent support or strongly support the establishment of NCAA programming to enhance opportunities for the recruitment of minority student-athletes. What specific kind of programming would assist Division III campuses in this effort? Again, we would like you to take 15 minutes to discuss these issues. You will have a chance to share your thoughts at the end of this meeting. Thank you. Please begin your discussion.

[Note: Delegates discussed the questions.]

ACADEMICS AND CULTURAL INTEGRATION ISSUES

Mr. Stone: Let me call you back into group session. We want to turn to the third area. Before I do that, let me announce a reminder in terms of our process. We understand that you are not going to exhaust these topics. It is obvious from the conversations that you are jumping right into them and you have a lot of conversation. This should produce, however, some additional thoughts beyond these minutes. The facilitator at the table will collect your written comments. If you invite further comment or conversation with us, put your name on it and we will contact you. Make sure we get all of the information we can. Leave your written comments if you think they have not been entirely contained in the facilitator's notes.

We are going to move to the final area—academics and cultural integration. I am going to turn to Deborah Stanley, president of the State University of New York at Oswego.

Deborah Stanley (State University of New York at Oswego): Thanks, Phil. I am sorry to interrupt your conversations. We only have 10 more questions for you. We really don't. We only have three more questions.

You can help us a great deal if you will apply all that energy that we have been hearing in the room to these particular issues. Let me give you some background facts.

NCAA academic requirements require that Division III student-athletes only be enrolled in a minimum full-time program of 12 semester hours in a baccalaureate program. Further,

the academic eligibility standards are determined by each school and each conference, but must be at least as stringent as those that apply to all other students in those areas. So, that is the context for the academic requirements.

Let me give you some background about cultural and campus integration issues.

As you know, each Division III school is required to complete an institutional self-study guide every five years. The ISSG includes some issues related to cultural and campus integration. Conferences currently are not required to complete the self-study, only institutions. The division allocates over \$4 million annually to support student-athlete welfare, diversity and membership education and communication, including approximately \$800,000 in strategic initiative grant programs available to schools and conferences.

Let's talk about conference affiliation for a moment. We have done academics issues, and we have done cultural and campus integration issues. Here is some background information about conference affiliation.

There are over 40 voting conferences in Division III. We recognized 42 at the time of the survey, but now the actual number is 43. To have voting privileges as a conference, a conference must have at least six active Division III members, be both a competitive and a legislative body, sponsor at least five sports for men and five sports for women, and sponsor at least one sport per season for each gender. To receive an automatic qualification championship bid, an AQ, the conference must have at least seven schools sponsor that sport within the conference, and those seven schools must have belonged to the conference for at least two years. Multi-sport conferences must have a core of at least four members to retain an AQ in that sport. New single-sport conferences are not permitted to receive an AQ.

Based on the survey results, we have identified three questions for your round-table discussions. There's one question in each area.

Our Division III philosophy in part states that we place the highest priority on the overall quality of the educational experience and on the successful completion of all students' academic programs. Survey results indicate that 100 percent of respondents support this philosophy, and approximately 90 percent of the respondents indicate that this philosophical basis be addressed at the institutional level.

Since this is a high priority at the institutional level, should institutions monitor the successful completion of student-athletes in a way that distinguishes them from the rest of the student body? If so, should the division establish a related philosophical principle based on that?

Should the NCAA include this philosophical basis in the institutional self-study guide, the ISSG, as in graduation rate, GPA, class standing, and assist with the creation of definitions, forms and best practices for the institutions? That is a multi-pronged question.

Here's the second question about cultural and campus integration. Survey results indicate that approximately 90 percent of respondents strongly support or support the CEO being actively involved in the oversight of intercollegiate athletics. However, survey results also show that directors of athletics more frequently report to the chief student affairs officers. Based on the athletics reporting structure in Division III, should institutions identify strategies for engaging the student affairs and the academic affairs officers in the ISSG? Should the national office create flexibility for institutions to identify the chief student affairs officer and chief academic officer for NCAA communication initiatives? Everybody gets the same stuff, so should there be a top six as opposed to the top five? What other strategies would better integrate all the individuals associated with athletics at a campus level?

The third question deals with conference affiliation. In order for a conference to receive an AQ to an NCAA championship, the conference must have a minimum of seven members sponsoring the specified sport and compete for a minimum of two years. Survey results indicate a split in support or opposition. to permit a conference to re-align without loss of auto-

matic qualification in that sport. This is the question for you: Is conference re-alignment a concept that should be further discussed? If so, should re-alignment without loss of an automatic qualification, for a limited period of time, be considered? If so, what is an appropriate period of time? Thank you for addressing these issues. We will appreciate your responses.

[Note: Delegates discussed the questions.]

OPEN FORUM

Mr. Stone: Let's come back into session. Thanks for the great way you have gone about this. It has been obvious that you have engaged in a lot of conversation, and that is what we wanted. Let me remind you that we can get this information in several ways. One is to leave your notes there with or without your name. If you want us to communicate with you, leave your name and mailing address. Make sure that the facilitator gets the notes. We know this amount of time simply triggers the conversation. Feel free to write or e-mail anybody up here. You will find us on the NCAA Web page. You can write to let us know that you have a comment, that you want something considered or make a suggestion. Most of us who are Presidents or Management Councils representatives will route it to Dan and Bridget for handling. So, you may just want to write it to them. But if it is something you want one of the presidents to deal with or to think about, don't hesitate to write one of us and we will be glad to try to handle that.

We want to turn now to an additional way to communicate. It is open microphone time. This is an occasion for you to go to the mike and give a comment, raise a question—whether it is rhetorical or you want an answer. If we don't have the answer today, we will try to get it and provide it when we can. It will be important that we give good attention to the people at the mikes so we get to hear the questions. This is an opportunity to make any comment, whatever you want to say about the process or what you are reading or hearing, or anything you want to say about the future of Division III. If you are trying to speak for the group at your table, it will be helpful if you would say that. Otherwise, we will interpret that as your personal observation, which you are practically free to do whether or not it coincides with your group. Since we have a court reporter helping us maintain a record of this, give your name, your school and your conference. That will be helpful. If you are speaking for your table group, just say so. Now, does anybody want to go to the microphone and start with conversation? We have some time to have open mike to let you raise any concerns or issues. Dan Dutcher and I are getting ready to sing a duet if you don't have any issues or questions. Let me recognize this microphone over here. Be real quiet so we can hear.

Leon Lunder (Carleton College): I am representing our table. One of the issues relative to the management of growth, and this was just talking about the idea of the larger we get the more philosophically diverse we get, that could lead to some potential problems relative to the division as a whole.

We seem to be about the process, not the product. But as you get more diverse, the product may become more important than the process. Institutional parameters may begin to change in order to again end up with the product versus process.

So, one other suggestion or one other thought as we went into management of growth, was the idea of potentially getting into the championships issue of increasing the weeks of competition or possibly the elimination of Pools B and C and finding an alternative for independent access.

Mr. Stone: Okay. Thank you, Leon. Any others? Don't hesitate to line up at a couple of mikes. You don't have to wait to come up. Any other comments?

Walter Johnson (North Central College): I am not representing our table. We had a num-

ber of discussions. We didn't get to the sport and program equity question regarding recruitment of minority students and whether or not the NCAA should be involved in programming in that area.

I think recruitment of minority students should not be the first issue. Retention of these students should be addressed at the same time the question of recruitment is reviewed. If an institution does not have an infrastructure to handle students of color and support services in place to see these students through to graduation, the issue of recruitment should be secondary to retention. We need programs and resources first, then recruitment.

The question asked: Are the administrators in place? Do you have faculty of color? Do you have staff of color? What is the culture of the institution relative to minority people? The NCAA is going to be involved in this kind of programming. I think retention and recruitment should go hand-in-hand.

Mr. Stone: Okay. That is a good question. Thanks.

Michael Miranda (Plattsburgh State University of New York): I am reporting for my table, but basically quoting one member, John Clark. It is a general comment, and it relates to the philosophical underpinning of the whole division.

Essentially, John made the point that if you look at any of these issues that we have been discussing and test them at your institution, at the conference level and against the Division III philosophy, and you find that it is consistent and it does uphold that philosophy, you have far fewer problems.

It means that as an Association, as a division, we can hang together because everyone seems to be supportive of the philosophy if they carry out their day-to-day activities related to the cheering, recruitment, automatic-qualifying championships, whatever you want.

If you test that against the philosophy and you find that it is consistent, many of the problems that we perceive won't go away, but they will be reconcilable with the philosophy. I think that that is something we as an institution, as individual institutions and as an Association should keep in mind.

If the philosophy drives what we do and if we agree with our philosophy, and if we let that drive all of our actions at the institutional and the conference level, the Association will be a lot better off.

Mr. Stone: Mike, I take it from what you said that our remarks earlier would be appropriate in that you would also have to be thinking about legislation when you think about how we can encourage improved conduct or practices.

Richard Torgerson (Luther College): I am reporting for my table. There was only one person at our table who said their AD reports to the president. Maybe the NCAA needs to encourage those to whom the AD reports to come to this meeting each year. Perhaps it would be good to add direct reports to the mailing list that comes from the NCAA to improve communication between the AD, the athletics representatives and the person to whom that person is reporting to.

Mr. Stone: Thank you. So, whoever is involved in the reporting ought to be involved to get the information. That is a good idea.

Connee Zotos (Drew University): With regard to sport equity, at our table we were working on the premise that a lot of the tiering that does go on in Division III is mainly concerned with appointment of really good part-time or full-time coaches. We talked about maybe the need for strengthening our language or our philosophy statement about the role of coaches and their importance in the division. Maybe a position letter should be sent from the NCAA. Then maybe we could seriously look at ways to reduce funding across the board—such as capping rosters, travel rosters and the like—so that money can be re-allocated more evenly across sports.

Dennis Collins (North Coast Athletic Conference): First of all, I would like to recognize President Stone and the committee for the fine work they have done so far. This is a big task,

and I think that it gives us an opportunity as a group to look into the future and try to make some decisions, and try to talk about some things that normally we don't think about.

What I say basically will represent the consensus of our conference and our talks about this issue. We had seven conferences represented at our table. I think we had some very good ideas. Many of them actually agreed with some of these ideas.

We did look at the size of growth. I certainly think that in our conference we think we already are too big. We looked at the fact that when we started the automatic bid process and the national championships about five years ago, we had 30 playing conferences. Today, we have 42 playing conferences. That has dramatically changed the national championship picture. There are 12 new automatic bids. That means that those bids have taken away at-large spots from conferences that used to have them. That dramatically changed the national championship field. It is not all about national championships, but I think that part has been dramatically changed. I think we need to ask ourselves how big should Division III be? I don't think we have really looked at that. I think it is our responsibility that once in a great while, maybe once every five years, to do that. Should we be 450 as we projected? Should we be 500? Should we be 600? What is the magic number? There are a lot of coaches and ex-coaches in this group. I think that everybody knows who has coached a little while what the perfect sizes are for your field hockey team or your football team. You know what is too low. You know what is too many. I think that is the same way we should approach our division.

I know we had some statistics earlier, but let me just rank for you my own ranking of a playing division. Division III, as I can see it, is the largest playing division in the world right now. There might be some soccer league in China that I am not familiar with, but Division III has 420 members. Division I has 320 members. The NAIA, the other national group in the United States, has 300 members. Division II has 275 members. The Olympic Games, which is very big, has 192 countries. So, we are very, very big as a playing division.

As we look at going forward, how can we practically manage to have our national championships? How can we manage increasing the weeks or the days with the access? We have two competing principles. We want to provide access, which we admire. On the other hand, we are going to have to make some hard choices. Do we add another weekend? Do we make it four weeks? Currently, we have a football championship that takes five weeks. Division I would be aghast at that. Ohio State is allowed to play 11 regular-season games and one bowl game. Those are 12 games. We are concerned that the expansion of the championships and the additional travel is going to erode our regular season and affect our academic quality.

The other option is playing more mid-week games. We don't want to see in our conference another first- or second-round soccer game where we are traveling from Cleveland to Chicago on a Tuesday. But those are the kind of hard choices that the Championships Committee is going to have to make as we grow as a division.

We also talked about sports sponsorship. Ultimately, that's really where we walk the walk. A previous speaker said it's important for us to see what everybody believes in and check the philosophy of things. Eighty-six percent supported increasing and having broad-based programs. Then, when it came to seeing if you would like to increase sports sponsorship, we got a mixed bag. There was 30 percent on either end. So we are not walking the talk. We are saying we want broad-based programs, but we don't have them. Most of us do. The average is still 16.

At our table, we talked about perhaps increasing sports sponsorship on a sliding scale—possibly a per capita on enrollment. We thought that was a good idea. There are a lot of good things about Division III. Obviously, in many ways it has never been better.

This is my 21st Convention. I can remember when we had very limited championships in Division III. We had an 18-team football championship, and we were able to have it only if there was a surplus in Division I. Every year we would have to wait and find out.

I grew up in a poor neighborhood. I am not quite sure this is all going to last at the NCAA. I keep thinking the money is going to go away as we go forward. In fact, 80 percent of our revenue is spent on national championships. As we go forward, is that going to be 95 percent? Are we going to take the grants for ethnic enhancement and all the good things we are trying to do and put it into the national championships? I guess so, because right now we are at 80 percent.

Finally, we wanted to offer the committee a couple of options. One option is to cap the Division III membership right now. I think that we could probably work it out. We could create a new playing division for people to go. That certainly would require action above Division III, but I think the Association should take a look at that.

We divided the membership 30 years ago from two divisions to three. We had 600 members at that time. We now have 1,200 members. We still have three divisions. We would ask that the committee consider these two options. Thank you.

Carlyle Carter (Minnesota Intercollegiate Athletic Conference): I am the executive director of the Minnesota Intercollegiate Athletic Conference. I would like to applaud the delegate previously who I think really capsulized what we should be doing—gauging our recommendations and our responses based on our philosophy.

Too many times we know that philosophy exists, but we forget to look at it from time to time, and sometimes momentum takes hold. I am speaking for myself. I wouldn't pretend to speak for my colleagues at the table. In terms of sport program and equity and access to championships, philosophically speaking, I think that we need to add another provision in order to qualify for an AQ. If you are not in compliance with Title IX, you cannot qualify for postseason opportunities in the NCAA. It is long overdue. We have let this go too long. As a former member of the Committee on Women's Athletics, I would like you to think about that. Single-gender institutions, in order to qualify for a postseason opportunity, would have to complete a similar evaluation of their program for sport and program equity.

In dealing with the issue of oversight of athletics programs, we have asked as an Association that our presidents be involved in the conference structure. We all know the issues that presidents are dealing with between fund-raising and other issues. Our presidents and our conference have committed to a meeting. If they are not able to attend, we ask a first-line officer, someone at the cabinet level, who has oversight of the athletics program to be involved. If we are serious as an Association about involving and providing information to these individuals who have the direct oversight of the programs, we should add another provision for conference members to involve the first-line officers with oversight of athletic programs to be involved in the conference structure. That, I think, would help solve this problems in this area. Thank you.

John Roush (Centre College): I am going to try to report for proud table No. 47. We spent most of our time thinking outrageous thoughts. Let me try one. We should break the back of our emphasis on national championships by spending our dollars and shifting our emphasis, financial and otherwise, to conference championships, and where appropriate, regional championships. We offer that up for something for you to consider.

Secondly, as it relates to sports sponsorship and broad-based programs, we really do need to again begin to place our emphasis on broad-based programs with more opportunities for young men and women. We think the bar should be set higher—maybe eight and eight, seven and seven.

If an institution sponsors football, it may be appropriate to indicate that in the spirit of gender equity there be an additional opportunity or two for women at that institution. At larger institutions, we are beginning to attract some of those institutions into Division III. For them, the bar may need to be set even higher in order for them to meet the minimum sport qualifications to be in Division III.

Finally, as it relates to cultural and campus integration, I do like one of the thoughts we

shared earlier about if the athletics director does not report to the president, then the person to whom he or she reports ought to be encouraged to come and be put into the information loop. If, in fact, as a division we believe that the best practice is for the AD to report to the president, we should say that. We should put pressure on institutions to do it that way.

Sandra Slabik (Neumann College): I am reporting for my esteemed table. We talked about the fact that if we can manage management growth until 2010, is there a point where it is going to level off and look at where the management group is coming from?

In the last five to 12 years it was coming from NAIA schools. Now a lot of the growth is coming from the two-year schools becoming four-year schools. We should look at where that might come from in the future. Is it going to continue to expand at the rate that it is? If those schools truly believe and embrace Division III philosophy, how can we keep them from joining the Association? It really comes down to the other questions, which is if these new members come in, then how do we manage our championships?

One of the points that one of the members at our table made was is it necessary to subdivide Division III, or is it just maybe something that we need to do for championships and have two separate brackets going on at the same time? I know those are some of the questions we talked about several years ago with the championship structure. Do we want two champions? How do we do that subdivision for brackets and championship play? Is it something that we may have to look at? I believe it was mentioned that maybe we have to look at AQ. Maybe we want to bring back 64 schools or whatever to the table and go back to more of a ranking.

One other thing that we talked about as far as sports sponsorship is that it may be a hardship for some schools to expand greater than they are now. If we want to increase sports sponsorship, maybe we should increase it for new incoming members to have a certain sponsorship level according to their percentage of enrollment, but that all current members be grandfathered in.

The last thing that we looked at was some of the comments about bringing in the dean of students. We think that they should be included in those six who get mailings. However, if they come to the Convention, they should not usurp or take the place of the president at presidential functions. There could be separate functions for the vice-president of student affairs or the dean of students at the Convention. Thank you.

Timothy Gleason (Ohio Athletic Conference): A question that we didn't get to is the conference affiliations, so I will throw my two cents in. I have added bias being a commissioner. We have all seen the cut throat, the pirating, the bitterness, the lawsuits that have gone on recently in Division I with conference re-alignments.

I hope and pray that we don't start doing that to each other, that we don't start going down that path, because the domino effect is really devastating. As we look to the future of Division III, please let's not tear down the great things that we have built and the great organization that we are.

Joyce Wong (Eastern Connecticut State University): On behalf of my table, we would like to address two key issues that have not yet been discussed.

On the management of growth, the suggestion has been to attempt to re-negotiate the percentage that Division III receives from the Association and maybe try to tie that to the ratio of growth within the division in terms of turning the 3.18 percentage that we receive of the Association's money and try to add to that a formula whereby the growth of the division is taken into consideration. Perhaps our Executive Committee could address that issue and whether or not that is a possibility.

In regards to academic areas, it was the thought at our table that we cannot afford in Division III to do a reflection on our graduation rates, et cetera, but it should be a more determined and a more yearly type of assessment in terms of graduation rates, retention rates, et cetera.

Jim Nelson (Suffolk University): One of the issues that this society and certainly Division III has valued is an odd diversity. I have heard some comments relative to becoming somewhat selective in terms of capping Division III. One of the great unknowns for us upon many years and what continues is what the NAIA may do in terms of whether they may dissolve or whether many of their members would like to come into Division III. In some regards, I would certainly welcome them. It would certainly put a challenge to us in terms of the number of AOs and what may, in fact, be a magic number.

For many years, the men's and women's basketball had 64 teams, and that seemed an appropriate number. Whether or not we were copying Division I, that number seemed to work. That number may, in fact, work very well for that sport. Is 48 the ideal number for baseball and softball? Will there be teams left out? That has always been the case. Very competitive and quality teams have been left out. But we may need to establish a high number.

As for some of the comments about increasing the number of sports, in some regards, it may seem to be a circumstance of elitism for those institutions that may have significant budgets, significant coaching staffs and facilities that allow for a great number of sport offerings. But there are certainly a number of institutions that are challenged in terms of their geographical location.

Some are challenged because of the absence of sport facilities in a city. I would not like to see that elitism to become pervasive in terms of a division that certainly prides itself on diversity.

Wenmouth Williams (Ithaca College): As the faculty athletics representative, I would caution us to be more aware of the impact these decisions have on our student-athletes. Increasing the championship weeks and the number of mid-week competitions is not good for our student-athletes. They already miss too many classes.

That is a big issue, particularly in upstate New York when we have nine minutes of daylight at the end of the fall season. I would caution us to make sure that we keep our student-athletes in mind. Thank you.

Jennifer Braaten (Ferrum College): On behalf of the table, just a couple of other things. In terms of the management of growth issue, our championships are driving that issue.

Should we or should we not be concerned about our democratic principles of participatory opportunity for students? That is fundamental as we think about this issue. We talked about the dues issue. Certainly, for all we get, none of us want to raise dues, but for all we get in terms of value added, how important is it to look at the possibility of perhaps increasing dues to some extent. That did come up at the table.

As for the sport-equity issue, a question was raised about if the NCAA should commission a study on some of the cultural, social, educational attitudes and expectations regarding athletics and education for minorities, particularly Hispanics, given the demographic trends in the country. We felt that would be helpful.

In terms of the academic success issues, we certainly want the NCAA to continue to emphasize what is best practice, assuming that institutions would look at those statistics of graduation rates themselves. And the question was asked at the table about the college sports project. Does it parallel or is it an initiative that has some other impact in terms of this particular issue?

Mr. Stone: Let me make an observation about some of the revenue issues we have touched on. I think you know it, but let me summarize it quickly to remind us of it. Over 90 percent of all the revenue for the entire NCAA comes from the television contract with CBS and ESPN. That is over 90 percent.

We like the contract and we hope it stays in place. Division III, getting its 3.18 percent, therefore, has almost all its money from that same pool. The Executive Committee of the Association has put in place an emergency plan in the event of a disaster or something that will cause the cancellation of that contract.

Obviously, it will not be honored and not be paid if there is a terrible disaster. If we can't have the men's basketball championship, that is partially covered by the contingency plan.

Division III, working through the Management Council and the Presidents Council, has also worked on a contingency plan in terms of what would be cut first and whether or not we can buy some insurance as the Association did. I want you to know that we are at least aware of that. That doesn't mean that we would have unlimited resources, but we are not ignoring the possibilities of not having this pool of income available forever.

But we need to be conscious of the fact that without that derivative income from the Division I men's basketball championship and the television rights to it, we have no money for championships. None. We couldn't have paid the freight for the other programs.

Are there other comments from the floor? I have a few comments. If you get my attention, I will interrupt what I am saying and let you have it. We are going to have a written report from the court reporter, so we will be able to use that. We will have the notes collected by the facilitators, including your personal notes if they weren't picked up in the synopsis. We invite you to send us e-mail notes, letters, phone calls—anything that you want to send to the group, particularly to Dan and Bridget—to follow up.

Let me say a little bit about how we will work on this now. We are supposed to come back next year with any legislation. I said "any legislation" that would be proposed out of this process. That legislation, obviously, is yours.

No legislation can get passed without a majority vote of the institutional members. That is the way it gets done. None has emerged right now to look at or consider. As we continue to look at the comments here, more comments from the Virtual Focus Groups and the others who will continue this conversation and try to make sure we have all the input we can get, maybe legislation will emerge. I don't mean to guarantee there won't be any or feel intimidated from having any if you say in this process that it ought to be there. But there is none on the table. I am not aware of any emerging. But that doesn't mean there won't be any.

What I hope will emerge, and it was touched on by a couple of you who alluded to it, is that if we take our very idealistic, I think, very nice, wonderful mission statement, and we keep looking at that, and we measure ourselves institution-by-institution-by-institution, not through the whole group, but by that mission statement, certainly things are probably going to emerge in terms of how we feel about how we are doing things now.

Have we integrated athletics into the educational mission of the campus? I think we also ought to be aware as we think about that, that the CEO participation is so meaningful here at this Convention. Several CEOs spoke at the mikes here. They are at your tables, and they are very good to come and be actively involved in this.

The CEO participation is really critical, not only because they speak with the final voice on the institution's vote and institutional policy, but also because they can be your strong supporters and advocates. You know on at least a few campuses there are some administrators and faculty members who do not get enthusiastic about supporting the athletics program. I know that is a shock to you. But I have actually heard of that. Sometimes, the president's understanding that it is part of the mission of the college to have a vibrant athletics program as part of that wholistic development of the program can speak up and say we don't choose which parts of the mission we buy into. That's a commitment of the institution.

So, just as we may sometimes be talking the language of restriction of playing seasons and championships, and things like that, we did some last year, there may also be times when we need to be saying some of you in the campus community get with it. We all are in this. This is one campus, and we all support the mission of this campus. The CEOs can certainly help advocate that.

The Oversight Committee will continue to function at the national level. We will try to bring the information together and make sure that you get additional information as we have it. At the conference level, there will be ways that we can work. For example, there will

be conversations at the conference. There will be, because some of you had asked for it, getting the survey results by conference. In other words, you'll get your conference responses. We will have to protect the confidentiality, so we have not figured out quite how we will do it. But we are open to that if we can protect privacy and confidentiality. Then on the local level, we want you to continue to think primarily about what each of our schools can do to live up to the mission statement and make sure that our own college's mission statement has been met through the way we operate our athletics program.

So, the good news is that I think we can already say we have discovered here, and we have confirmed, that we share a philosophical predicate. We may vary in terms of how much we really adhere to it, but we have the rhetoric. We have the predicate. That is a lot to say in terms of how we want to operate. Without that, we just can't do much more. But with that, I think we can at least turn to how the NCAA, which does more than legislation, rule-making and coercive-type things, but is very much involved in education and conversation and best practices, and trying to inspire more idealistic levels, that this will lead us to good conversations, enriched conversations, so we will do better on our campuses and in our conferences as well as in the Association.

But to the extent that we need to do things to make Division III stronger and stronger and stronger, while reflecting our philosophy and mission statement, we will get that done. So, thank you for your work today. It has been great to see all this conversation going on.

We are very grateful for what you have done. Be sure to be here in the morning for the business session. Thank you for your good attention. We are adjourned.

[The Division III Forum was adjourned at 11:30 a.m.]

Division III Business Session

Monday, January 10, 2005

The Division III business session was called to order at 8 a.m. by Phillip Stone, chair of the Division III Presidents Council.

OPENING REMARKS

Mr. Stone: Good morning, everyone. Welcome to the Division III business session. I am Phil Stone, president of Bridgewater College in Virginia, a member of the Old Dominion Athletic Conference. I will chair today's Division III business session, along with my colleague, Suzanne Coffey, who chairs the Management Council.

Joining me on the dais are: Suzanne Coffey, who I just mentioned. She is director of athletics at Bates College, and chairs the Management Council. We also have a parliamentarian—Georgana Taggart, who is back to help us this year. We appreciate your help. I am sure we will need your assistance during the day. She is with the College of Mount St. Joseph. Also, Dan Dutcher is vice-president for Division III. Bridget Belgiovine is the director for Division III. Leah Nilsson is associate director of membership services at the national office, and Leeland Zeller is associate director of membership services.

Let me also remind you that these proceedings are being transcribed. We have a court reporter here. We need you to speak only from the mike. When you speak, please give your name, your school and your conference.

We want to acknowledge some people during this morning's session for some activities they have carried out on our behalf. But the first order of business is to get the Program and the order of business approved. We will go into that in just a moment. When we vote to accept the Convention Notice and Program, we will vote on the proposals in the order they appear. If anyone has any interest in changing that order, we need to do it by making the motion to approve the agenda by majority vote. We can talk about that a little more if it comes up. Also, note that by adopting the Notice, you are adopting the appendixes that appear in that book, so they also are incorporated into the motion to approve our Notice and schedule when that comes up.

I want to say a few things about the appendixes. First, there are interpretations in Appendix B that start on Page 27 that will be incorporated into the NCAA Manual. In addition to that, the noncontroversial amendments are found in Appendix C, which starts on Page 31. There is a third item in the appendix I want to call your attention to. Appendix D, which includes the modifications based on intent, starts on Page 93.

The amendments in these appendixes that I just referred to have been approved by the Management Council and the Presidents Council, and were published in the legislative services database. We will not discuss those individually unless you pull them out by appropriate motion and say you want to talk about that separately. If that is done, you need to make a motion. It is debatable, and a majority vote would be required to do that. We vote on amendments, procedural amendments and substantive amendments. All voting on an item is done the same way that the underlying item is to be voted on.

You see in your list the ones that get paddle votes and so forth. All voting on that item will require the same kind of voting. Then we will go back to discuss individual proposals that were broken out for separate consideration. In other words, we will take anything out that you want out, approve the package that remains, if that is your pleasure, and then consider the separate items that you have asked to be pulled out and take those separately. I will ask for a series of motions from the floor to help us to begin this process. First, I will ask for a motion to adopt the printed Notice and Program for the Division III business ses-

sion so we can proceed with our work. I will ask if there is a motion to that effect now.

Miriam Pride (Blackburn College): I move adoption of the printed Notice and Program.
[The motion was seconded.]

Mr. Stone: Before we actually vote on that, we will consider the elements of this and see what amendments, if any, you have. Are there motions to re-order? Seeing none, I will assume that there is no motion to re-order. Are there any motions regarding any of the items in Appendixes B, C and D? If not, they will be a part of this motion.

Carlyle Carter (Minnesota Intercollegiate Athletic Conference): Perhaps an explanation may be in order rather than requiring it to be pulled.

On Page 49, NC-16 deals with the elimination of restrictions on disbursements of outside aid involving athletics participation as a major criteria. Could I get a brief explanation to ensure that what we are talking about is the actual disbursement of the aid and not the establishment of aid? For instance, in our area we have got a foundation called Lutheran Brotherhood. We have a number of Lutheran schools, and if they were to establish a scholarship or a series of scholarships for the Lutheran schools in our conference, can a foundation establish a new scholarship using athletics participation as a major criterion, or is this for continuing already established programs?

Leah Nilsson (NCAA Staff): This proposal does not change the aid that the student-athletes would be permitted to receive. It changes the method of disbursement. There was a previous standard where recruited students would have to have those dollars flow through the institution. That is the portion that is being removed. So it's not what they can receive, but the method by which the funds go from the awarding agency to the student. It also does not change the criteria for which we are analyzing outside aid, generally.

Mr. Carter: Can't a foundation establish a new ...

Ms. Nilsson: That portion will not change.

Mr. Carter: All right. Thank you.

Ms. Nilsson: Thank you.

Mr. Carter: I also have a question about NC-24 on Page 61, which would now permit staff members to purchase or take teams out for meals, or its students for that occasional meal at a restaurant.

In previous legislation, it must be in the home of the staff member. I know that reading it, it indicates that individuals with athletic interests still have to have it in their home. The original intent of the legislation was prohibiting staff members. Why has that now changed?

Ms. Nilsson: Was the question why the athletics interests portion has not changed?

Mr. Carter: No. The question is why we are now permitted to ...

Ms. Nilsson: For staff members?

Mr. Carter: Yes, for staff members.

Ms. Nilsson: The committee debate over this particular item included concerns such as the size of the institutional staff member's home and that it wouldn't necessarily cost a different amount of money for the staff member to occasionally have a meal in their home versus in another facility in the locality of the institution.

Jim Nelson (Suffolk University): On Page 31, NC-1 is about the reporting of secondary violations, not claiming any or at least not holding responsibility for any at this point. Is this going to be an NCAA form? It indicates that secondary violations are annual confirmation that the institution did not commit any violations. Are we obligated to do both—report and to report that there were none?

Ms. Nilsson: The current application requires that you report your Level II secondary violations on a form that is posted on the enforcement portion of the NCAA Web site.

Additionally, the Division III Management Council stated that if you do not have any of those Level IIs, they would still like you to verify that point. The institutional demographic form will be updated for next year. There will be a box on that electronic form that you are

already submitting where it will ask if you have either submitted the Level II report or if you are verifying with this report that you did not have any Level II violations.

Mr. Stone: Okay. Thank you, Leah. Are there any other questions, comments, or motions? I see none. I assume you are ready to vote. This will be a paddle vote. The motion is to approve our Notice and Program.

[The motion to approve the Notice and Program was approved.]

Let me remind you as a matter of information that if something occurs that makes you want to re-order or do anything different with this Program, we are now in a different posture since the delegate body has approved this schedule. You will need to get to the microphone and you will need two-thirds votes support to change any item or add an item. So, this does have some significance when you approved your program.

Let me now review the agenda and the timetable. In a few minutes, we will address our legislative proposals. We will consider the six roll-call proposals, Nos. 1 through 6, and continue with our six non-roll-call proposals, 7 through 12, which will be by paddle vote. We will then take a break. Immediately after that, we will follow our usual procedure of coming back for reconsideration. But while we are processing all that and getting ready for the reconsideration, we will elect new Management Council members. Then we will open the window for reconsideration for the roll-call and paddle votes, if there are any. After we close the window of reconsideration and complete our legislative agenda, we will hear presentations in three areas that I think you will find very relevant and very important. One will be sports wagering in Division III, and membership education, and the results of the recent division-wide pilot of the new financial aid reporting process. Those presentations will occur the rest of the morning and into the noon hour. We expect to be able to conclude by 1 o'clock. That will be up to you. But we will take the time we need to do the business, and so if it takes longer we will do that.

Before we proceed further, I want to acknowledge some people who have done terrific work on our behalf during this year. I will start with the Convention Planning Subcommittee. I think you can imagine that this is a tremendous job to pull all of this together, to do all the planning, including such things as trying to adapt the schedule to enable us to do the special business of a Convention. Last year, we had to be more oriented around business time because of all the legislation. This year, we are doing more with programming and information about the future. They have to make all those adjustments, and make sure the room could be set up so we could have the table discussions yesterday. So, I want to recognize them. They are delighted to have feedback from you on how things go. Even though I am praising them, if there are things that you see that could be done better, they want to do that. Please remain standing until the group is recognized, and then we will thank you all: Sharon Beverly from Vassar College, Sheila Brown from St. Catherine, Suzanne Coffey from Bates, David Curry from Chapman, Julie Davis from Wheaton College in Illinois, Tim Downes, Franklin & Marshall College, Travis Feezell from Whitman College, Sarah Forbus from Denison University, Doug Hastat from the University of Wisconsin, La Crosse, Steve Larson, Edgewood College, Michael Miranda, Plattsburgh State University, Dick Rasmussen, executive secretary of University Athletic Association, John Roush, president of Centre College, Kristy Walter, director of athletics, Lasell College, and Jeanie Watson, president of Nebraska Wesleyan University. Let's thank those people for their great efforts on our behalf. (Applause)

Also, I would like to thank the members of the Management Council and the Presidents Council for the great efforts made on our behalf this year. They meet several times throughout the year. There are lots of conference calls, plenty of good paper exchange, and they spent a lot of time working on our behalf. We want to thank them. I would like to ask the members of the Management Council and Presidents Council to please stand and let us recognize them. Will you stand, please? (Applause)

I would like to pay particular attention to two of our members who will be leaving the Presidents Council after this meeting—John Roush, who is president of Centre College, and Jeanie Watson, president of Nebraska Wesleyan University. Thank you both. (Applause)

We have several people leaving the Management Council. We will certainly miss them because they have been great workers on behalf of the NCAA. We have Steve Argo, commissioner of the Southern Collegiate Athletic Conference, Suzanne Coffey from Bates, Sarah Forbus from Denison, John Harper from Bridgewater State College in Massachusetts, Karen Johnson from Alfred University, Leon Lunder from Carlton College, and Connee Zotos from Drew University. Thank you all for the great things you have done on our behalf over the last several years. (Applause)

Also, I want to acknowledge those who served in the governance structure beyond the Presidents and Management Councils. We are after all, a membership association with more than 130 standing committees and all kinds of special committees and task forces. Many of you have served on those committees and many of you have served on committees for several years. All of you who serve on standing or special committees of the NCAA, or have for this past year, will you stand? We can see the number of your colleagues who are doing this kind of work. Isn't that great what they do? (Applause)

If you are interested in committee service, get in touch with one of the staff people, but particularly the Nominating Committee. There is a booth set up near the registration area where you ask to volunteer. Some of you may think that is not showing the appropriate modesty. Modesty is not necessary for NCAA service. What is really necessary is commitment, energy and willingness to really help out in this program. So, please do that if you can.

The last group I want to acknowledge are those who have hosted championships for us during the year. That's a lot of work for the host institution, and many of you have spent a tremendous amount of time making the NCAA championship program work well. For all of you who are associated with a school that hosted any stage of the playoffs or a championship game, will you stand and let us see who all has been involved in that? These are also great workers on behalf of the NCAA. (Applause)

While it is not part of my script, I will insert an additional item here to simply say that the NCAA staff for Division III is outstanding. Dan, Bridget, Leah and Leeland—all these folks up here and folks who are not in the room but working behind the scenes—are just incredibly helpful to us. Every time we send an e-mail, make a phone call or write a note, we get prompt, good responses. As I have had a chance to tell Dan and Bridget, particularly because I work more directly with them, it is important to us as we think about some of the problems we see in other divisions or in larger programs that there be a consistent message out of Division III about our philosophy and our values and through Dan and Bridget and their team we get that. In terms of how they represent us with the overall staff and how they communicate to the public and the institutions, we really appreciate them—not only for the work they will do today and at this Convention, but for what they do throughout the year on our behalf. We thank the NCAA staff. (Applause)

Suzanne Coffey is a lame duck, but she is better known as chair of the Management Council. She is director of athletics at Bates College. I will turn to her now as she will take us into our business items. Suzanne.

PROPOSED LEGISLATION

Ms. Coffey: Thank you, Phil, and good morning. It is such an honor to be here today. We are now ready to consider our proposed legislation. This morning, we will consider a total of 12 legislative proposals and related amendments. These are Proposals Nos. 1 through 12 in your Convention Notice and Program. We will vote on these proposals in the numerical order we just approved moments ago. Also, please remember that although no editorial correc-

tions appear in this year's Convention program, several questions and answers of interest appear in the Q-and-A document that was attached to the recent Division III newsletter. We will attempt to call those to your attention when we consider the affected proposals. Please remember that you will need both your voting paddle and your electronic voting unit for any vote during today's business session. Our procedures dictate that all voting be done by paddle or electronically, rather than by voice or by hand.

Proposals 1 through 6 make up the Presidents Council grouping. We will begin with those proposals and conduct roll-call electronic votes for those proposals and any motions related to them. We will use the wireless voting units to cast our roll-call votes.

As we begin, I would like to remind you of two other points of order. For the benefit of our court reporter, please state your name and institution when you are recognized by the chair at one of the numbered microphones. Also please remember that delegates are limited to addressing each proposal twice, unless there is a question directed to you by another member of the body. We will begin now by considering Proposal No. 1.

MEMBERSHIP—CONDITIONS AND OBLIGATIONS OF MEMBERSHIP—MANDATORY BINDING ARBITRATION

Ivory Nelson (Lincoln University, Pennsylvania): The Division III Presidents Council wishes to withdraw Proposal No. 1, and I would like to explain why. In August 2003, the NCAA Executive Committee asked each division to pursue as a condition and obligation of membership a requirement that members in all three divisions agree to mandatory binding arbitration regarding legal disputes with the NCAA.

Briefly, adoption of this proposal would mean that all members would agree not to sue the NCAA for claims arising under federal law and that all such disputes will be settled via arbitration, a formal process through which an impartial arbitrator has the authority to decide the dispute in accordance with the arbitrator's perception of the law.

The Council still believes that the proposal has merit. However, it has not been introduced into the Division I legislative cycle. The Presidents Councils in Divisions II and III have determined that the proposal should be withdrawn until each division is prepared to adopt it. In the meantime, you are asked to speak with your institutional legal counsel to determine the effects of such legislation for your institution.

PLAYING AND PRACTICE SEASONS—POSTSEASON CHAMPIONSHIPS PARTICIPATION—NATIONAL COLLEGIATE GYMNASTICS ASSOCIATION NATIONAL CHAMPIONSHIP

Rick Torgerson (Luther College): On behalf of the Division II Presidents Council, I would like to move Proposal No. 2.

[The motion was seconded.]

This proposal establishes an exemption in the sport of women's gymnastics from the declared playing season for the National Collegiate Gymnastics Association's national championship. In essence, adoption of this proposal would mean that the participation in this event, which has become the equivalent of a Division III women's national championship, does not have to be included in the 19-week playing season; rather, teams can participate in the 19-week season and then go on to participate in this championship.

This proposal is consistent with the Division III philosophy of providing student-athletes with opportunities to participate in the national championships by allowing this opportunity to be exempted from the 19-week schedule for the sport of gymnastics.

On behalf of the Presidents Council, I urge you to support Proposal No. 2. Thank you.

Jone Dowd (Catholic University): On behalf of the Management Council, I speak in support of Proposal No. 2.

This proposal establishes a realistic postseason championship opportunity for female gymnasts in Division III. Historically, Division III gymnastic student-athletes have had very limited access to the NCAA National Collegiate Championship.

Our legislation exempts such an event in the nationwide championship, yet the reality is that it then does not include Division III participants. The National Collegiate Gymnastics Association's championship is a season-ending championship event and, therefore, should be exempted from the 19-week playing and practice season.

This proposal would permit Division III institutions to structure their seasons to include this event as the showcase for Division III student-athletes to experience competition at the highest level. It is important to note that the National Collegiate Gymnastics Association is the women's organization, because the male gymnasts in Division III historically have had access to the NCAA gymnastics championship. There is not a men's event included in this proposal.

On behalf of the Management Council, I urge adoption of Proposal No. 2.

[Proposal No. 2 was adopted, 291-8-71.]

PLAYING AND PRACTICE SEASONS—OUT-OF-SEASON EXCEPTION—GYMNASTICS

Candace Royer (New England Women's and Men's Athletic Conference): I move Proposal No. 3 on behalf of the New England Men's and Women's Athletic Conference.

[The motion was seconded.]

There are three points that I would like to make this morning regarding the opportunity for us to vote in favor of this proposal: safety, liability and the very existence of Division III collegiate gymnastics.

Allow me to begin with safety. Safety comes down to the timing of movements and special awareness that require a significant amount of time to both acquire and to maintain. As we all know, many of us from our own personal experiences in those college gymnastics classes we took in preparation for our physical education degrees, the acquisition and maintenance of even simple gymnastics skills is challenging to say the least.

After any sort of time away from the gym, the gymnast needs time to acquire it and rehearse the complex combinations of movements that form a routine. Without perfect timing of movement and the special awareness, the likelihood of serious injury is a probable outcome.

I doubt that anyone in this assembly would argue this point, because to do so would be to underestimate the potential for personal injury, which brings me to my second point, that of liability.

In evaluating this proposal, the competitive safeguards committee offered a comment stating: "For any available activity there should be someone in the facility who can assist with reducing the risk of injury." The concern that we have with the present legislation is that while it allows the presence of a coach or supervisor, it does not allow, as we understand it, the responsible supervisor to assist with reduction of the risk of injury because the legislation restricts the most basic and fundamental tool that a safety supervisor has to prevent injury. That tool is safety instruction. I submit to you today that safety cannot be maintained effectively without the ability to provide education on how to be safe before the athlete begins to rehearse. In addition, if we operate the facility with the required stipulation that the gymnastics facility must be open to all students, then many of us believe that the current legislation actually increases liability or at a minimum forces the 15 institutions that currently sponsor gymnastics to hire staff in a ratio that increases cost and makes adequate supervision challenging or perhaps unattainable. You should note that MIT's facility remains closed during the off season. In fact, MIT has taken measured steps to secure the facility at all times, except when coaches are conducting practices. This measure was taken

primarily to mitigate potential student injury along with, of course, decreasing liability concerns for the institution.

Finally, allow me to speak a moment to the issue that causes even those of us who are sponsoring this legislation serious concern. That is creating an exception that might be viewed as turning back against the student welfare legislation passed at this Convention in 2004.

We do not believe that all sports can be treated the same way. When they are, they are often not treated fairly. While there are other sports we recognize that also would like to have the safety exemption reinstated, we contend there is no sport that requires the precision of timing and the special awareness quite like the sport of gymnastics. We believe the sport of gymnastics is a real exception. There is testimony to this contention in the schools that currently offer gymnastics programs to college-age student-athletes. In fact, schools that eliminated programs in the past cite increasing liability concerns for operating a gymnastics facility as the primary reason for eliminating the sport.

The legislation that we are proposing at this Convention addresses the exceptional nature of college gymnastics. We believe that we need this exception to continue to allow gymnasts to reinforce existing skills and for the sport of gymnastics to exist at even the small number of institutions.

Today, please place your finger on the button that will help to assure that gymnasts will continue to have the option to matriculate at our fine Division III institutions rather than be confronted with making a decision to go elsewhere because access to their sport facility has been too stringently restricted by existing legislation. Division III philosophy will not be compromised by allowing gymnasts to participate under the safety exemption rule that we previously held that we are voting to reinstate today. The work that was done at this Convention last year will not be undone by passing this piece of legislation. We merely urge you to help us preserve something that was working very well for most student-athlete gymnasts. Please support Proposal No. 3 to assist the small number of schools that currently offer gymnastics to continue to do so with the liberty to provide complete safety instruction without increasing institutional liability. Thank you.

Tim Gleason (Ohio Athletic Conference): As a member of the Interpretations and Legislation Committee, I speak in opposition to Proposal No. 3.

First, to clarify current legislation, it is permissible for student-athletes to access institutional facilities outside the playing and practice season as long as that facility is not restricted only to student-athletes. In addition, it is permissible for institutional coaching staff to monitor a facility if that is the normal part of that coach's job with the institution. I think we would all agree it is difficult to distinguish instruction from supervision.

As an analogy, the gymnastics facility supervisor is like a lifeguard at a pool. A lifeguard does not prescribe workouts nor give instruction on the fastest way to swim, but will get in the water to physically assist someone in a dangerous situation. The gymnastics facility supervisor can perform the same role. They are not there to instruct on the best way to perform complicated skills, but they can intervene if someone is in a dangerous situation. Their main job as facility supervisor would be to monitor the facility to ensure the activities being conducted in the facility are safe and to intervene when necessary.

The Cambridge Dictionary helps us to distinguish instruction from supervision. To instruct is to teach someone how to do something. To supervise is to watch a person or activity to make certain that everything is done correctly and safely.

Now, to the subject of spotting. Under current rules and without Proposal No. 3, can a coach while performing duties as a facility supervisor spot a student-athlete? Yes. Can that coach use the physical spotting as an opportunity to provide verbal feedback on the best way to perform the skill? No, because that becomes out-of-season instruction. The practical application of all of this is that gymnastic student-athletes can condition out-of-season by

performing safe skills they know how to do. The out-of-season period will not be the time to be advancing skills or learning new skills, but would be the time for a student-athlete to maintain a certain level of fitness at the individual student-athlete's discretion.

If the student-athlete wants to hone higher level skills out of the collegiate playing and practice season, that individual can certainly seek out clubs or other non-institutional coaching resources to that end. I do not support Proposal 3, because I do not believe that a year-round playing season is appropriate for any Division III sport.

On behalf of the Interpretations and Legislation Committee, I urge your defeat of Proposal No. 3.

Dale Knobel (Denison University): On behalf of the Presidents Council, I urge you to defeat Proposal No. 3.

There is often a fine line between so-called safety instruction and skill instruction. This proposal would blur that line, opening the door for institutions to treat gymnastics differently and provide year-round instruction in that sport. By making possible coaching activities outside the playing season, the proposal contradicts the Division III tenet that inter-collegiate athletics should be but one component of the student's overall educational experience, not a year-round activity.

One of the core principles of the Association is that being a student-athlete is an avocation. By opposing adoption of the proposal, the Division III membership ensures that institutions sponsoring the sport adhere to that principle. On behalf of the Presidents Council, I urge defeat of Proposal No. 3.

Dick Kaiser (Defiance College): Can someone from the dais please provide some information as to how many institutions actually participate in gymnastics at the Division III level?

Leah Nilsson (NCAA Staff): The number is either 15 or 16, but I believe it is 15.

Dick Strockbine (University of Dallas): On behalf of the Management Council and Playing and Practice Season Subcommittee, I urge you to oppose Proposal No. 3.

Consistent with the Division III philosophy, the elimination of the so-called safety exception ensured coaches would not be involved in practice activities with student-athletes outside of the playing and practice season. Outside of the playing season, student-athletes have the same access to supervised institutional facilities as do other members of the student body and may train in those facilities at their own discretion. Further, student-athletes have access to and are permitted to be involved with local sports clubs outside of the declared playing season. These local sports clubs can provide not only supervision but expert advice in the student-athlete's sport.

By maintaining the elimination of the safety exception, student-athletes are encouraged to pursue other activities outside of the playing and practice season without pressure to participate in practice activities with the coach. The sponsors seem to argue the only way to sponsor gymnastics is to permit year-round involvement between coaches and student-athletes. The Council believes such an approach is not necessary and is inconsistent with our Division III philosophy.

On behalf of the Management Council, I urge defeat of Proposal No. 3.

John Roush (Centre College): As a member of the Presidents Council, I also speak in opposition to Proposal No. 3.

Contrary to the very productive reform actions taken at the 2004 Convention, supporting this proposal would re-establish a year-round practice season for our gymnasts.

There is no compelling reason to distinguish gymnastics from pole vaulting, diving, rowing, skiing or any of the other sports that previously had a safety exception or would like one re-established. The adoption of this proposal would encourage those other sports to follow this lead and request that the safety exception be reinstated.

As I see it, here we have an example of more not being better. The membership should

continue to be steadfast in its commitment to the Division III philosophy and the decision made last year to limit the playing and practice time involving coaches to an 18- or 19-week session.

On behalf of the Presidents Council, I urge you to oppose adoption of Proposal No. 3.

Cathie Schweitzer (Springfield College): Good morning. I rise to urge the delegates to support Proposal No. 3.

There are three points I would like to address: equity, safety and liability, and common sense. During much debate last year, it was reinforced that a core tenet of Division III philosophy is to treat all sports in an equitable manner.

I challenge that we, in fact, do treat sports differently by allowing some teams to have playing and practice seasons consisting of 19 weeks versus 18 weeks; requiring football to have 26 practice opportunities before the first game versus other fall sports having only 16 practice opportunities before the first competition. The sport of basketball can have up to 30 practice opportunities before the first competition. Sports have nontraditional seasons, some sports do not. The lengths of tennis and golf seasons vary. The number of competitions and how we count them vary. The reality is that sports are treated differently. It is important that we treat them fairly. We are simply asking that gymnasts are afforded the opportunities that are available to all other athletes' out-of-season sports-specific activities with safety regulations intact.

Due to the inherent dangers of gymnastics, safeguards need to be in place so gymnasts can be afforded the same opportunities as other students. Since when is safety inconsistent with Division III philosophy? Spotting is perhaps the single physical trait and skill that separates gymnastics coaches from coaches of other sports. Spotting is a skill and requires training. The safety component is critical in this sport. The sheer complexity of gymnastics movements has made preparation for gymnastics a highly specialized area. Our students coming into college are performing routines of great difficulty. Coaches are by nature of their experience and training the most qualified supervisors and the most highly trained in safety, even to the point of requiring coaches of men's gymnastics to acquire spotting certification in order to be on the floor with the gymnasts during meets.

Under the current legislation, it has been suggested that a coach can monitor a facility open to all students if that facility supervision is a normal part of his or her duties for the institution. It is impossible to craft an institutional policy that pretends to place the highest degree of safety in a gymnastics facility as the No. 1 priority without feeling that the institution is committing an NCAA infraction because the legislation restricts the most basic and fundamental manner in which a teacher-coach can assist with reducing the risk of injury, which is through safety, education and feedback. It is unrealistic to believe that there are not significant liability concerns that an open gymnastics facility would bring upon an institution. It is unclear as to whether the course of action as identified is prudent from a legal liability standpoint.

Proper supervision of a facility may be difficult or impossible if institutions employed part-time coaches. We believe strongly in the principles of Division III, but we do not believe that an exception granted in extremely special cases for clear and specific reasons represents a threat to the future of Division III. Gymnastics is a unique sport and many students enjoy the opportunity to select a school of their choice academically and athletically. Let us not jeopardize the opportunity for gymnasts to select a Division III institution to meet both athletic and academic needs.

Let us not potentially allow this legislation to be the demise of gymnastics also at the Division III level. Gymnastics has been around Springfield College since the late 1800s, and I am quite certain that gymnastics still belongs in Springfield College under the Division III philosophy.

With regard to the term exception and the concern that this proposal would encourage

other sports to follow this lead, I think it is incumbent upon each and every sport to present its case if it has special needs, and it is our responsibility as a membership to listen, evaluate and vote on each specific case separately. We are not interested in expanding the playing and practice season. The issue before us is the safety and liability of the entire sport of gymnastics—the entire sport, not just an event such as a pole vault that consists of repetitive actions and has a 24-week playing and practice season. This is an issue that affects each and every athlete of each of the 15 institutions that sponsor gymnastics.

In closing, I provide more food for thought. What adverse impact does this have on our division? Today, I urge you to rise above our concern about absolute adherence to the Division III philosophy, to take a moment and view the world through the eyes of those 15 institutions as we did the eight institutions last year, and support a sport in jeopardy of surviving by voting to support Proposal No. 3. Thank you.

Ken Kutler (Ithaca College): We have not heard the student-athlete perspective this morning. I am certainly not one of those at my advanced age. However, one of our gymnastics student-athletes, Crystal Kamisky, wrote an article that recently was published in The NCAA News. I hope many of you had a chance to review that.

I would like to cover three specific points for Crystal and for all other gymnasts here this morning. I am paraphrasing a little bit, but I will try to get through this. The most common confusion regarding this issue relates to spotting. There is no other NCAA sport that needs a qualified spotter to ensure safety like gymnastics. We simply need people there in case something goes wrong. In most other sports, the opponent is removed during practice, or the intensity is decreased to make out-of-season practices safe. In gymnastics, neither of these two options is appropriate. We reduce injuries by being spotted. I can't do a back flip on the beam at a lower intensity without landing on my head. The other thing people don't seem to understand about our sport is that you can be injured just as easily at a low performance level as you can at a higher level.

The other problem is that spotting by itself is not enough. The Division III Management Council has stated that a coach/supervisor can be present and spot in an out-of-season situation that is open to all students. This is a start, but if the coach can only catch me when I mess up, I will continue messing up until one of us gets hurt. We need our coaches to spot us, but we also need them to tell us how to be safe. It is a moral and legal obligation of a spotter to supply information to the performer that will help prevent incidents. I can't even begin to understand why anyone would stop a coach from preventing injuries.

The last portion, which is another common misconception about the proposal to reinstate the safety exemption, is that it will affect the length of the season. Gymnasts just want to be able to practice safely when they decide to practice. It is when they decide to practice. It is false to believe that the current legislation limiting the official practice and playing season was designed to prevent students from practicing if they wanted to. If the intent of the ruling was to limit all athletics, then runners couldn't participate in 18 weeks of cross country, plus 24 weeks of indoor and outdoor track, for a total of 42 weeks. Athletes would be limited to participation in only one sport, which means that football players couldn't wrestle and field hockey players couldn't play lacrosse.

I urge your support of this proposal. Thank you.

Meghan Lockard (Gettysburg College): I am a swimming and tennis student-athlete. The Student-Athlete Advisory Committee urges you to oppose Proposal No. 3. This proposal is inconsistent with the Division III philosophy as it essentially creates a year-round playing season for gymnastics student-athletes while allowing verbal instruction from coaches in the off-season.

This does not promote equities between sports in Division III. The removal of the out-of-season exception after the 2004 NCAA Convention did not prevent gymnastics student-athletes from practicing their sport voluntarily in their off-season.

We believe the current legislation does not compromise a Division III gymnast's health and safety. As many of you are aware, a coach may be present to spot a gymnast or stop any unsafe activities without providing instructional dialogue if he or she is the supervisor of the facility and it is open to all students. It is your institutional decision to close down gymnastics facilities and not to allow gymnasts to practice in the off season. Institutions make that choice as to when their facilities are open and as to who supervises the students who use those facilities.

If institutions provide proper levels of supervision and supervisors do their job effectively, safety is not compromised. This proposal is not the proper avenue to take to achieve the goals of the gymnastics community in a manner that is consistent with the Division III philosophy.

The Student-Athlete Advisory Committee believes that under current legislation, gymnasts are afforded fair and equitable opportunities to practice their sport. Therefore, because of the divergence from the Division III philosophy, we encourage your opposition to Proposal No. 3. Thank you.

Carlyle Carter (Minnesota Intercollegiate Athletic Conference): The more I listen and hear some of the explanations, it does sound like an expansion of athletic-related activities outside of the playing and practice season.

With the revisions that we made recently, there are a number of coaches groups that weren't real happy with what was done. The safety exception, which was removed, was removed for several sports, all of which I think would like to have that reinstated.

It is important, and hearing from the students in their opposition, that we understand that we want to treat all of our sports the same in a context within their playing and practice season. The limitations on other sports with athletically related activities outside of the playing season are prohibited. I urge you to oppose this legislation. I call for the question.

Ms. Coffey: I am told we may accept a motion to call the question. Seeing no other speakers at the microphone, we are now ready to vote on Proposal No. 3. Please cast your vote. "[Proposal No. 3 was defeated, 87-245-48.]

PLAYING AND PRACTICE SEASONS—ANNUAL EXEMPTIONS— ALUMNI CONTESTS IN NONTRADITIONAL SEGMENT

Chuck Mitrano (Empire 8): On behalf of the Empire 8, I would like to move Proposal No. 4 [The motion was seconded.]

I ask for your support of Proposal No. 4 to permit an institution to exempt an alumni contest in the nontraditional segment. It is important to note that current legislation permits an alumni contest to be exempted, but only if it occurs during the traditional segment.

This proposal would not add an additional exempted opportunity; rather, it allows a member institution to exempt one alumni contest during either the traditional or nontraditional season, but not both. Further, this exemption would work within the framework of the current nontraditional legislation in that it does not add a date to the maximum of 16.

The traditional segment is the most demanding time for our student-athletes as they try to balance a challenging academic and athletics schedule, social life, and other campus activities. Requiring that this exempted opportunity takes place only during the hectic period seems counterproductive to our young men's and women's collegiate experience.

We talk about lightening the load for our student-athletes. We talk about providing institutional autonomy. This proposal would provide both of those opportunities. For those who think that alumni events provide a competitive advantage, I would strongly disagree with that statement. Alumni contests offer so many positive attributes that the typical nontraditional contest does not. At alumni contests, you will not see a coach working an official or yelling at student-athletes for making mistakes. You will not see fans or student-athletes

taunting one another or trash talking. Alumni events are engaging events that incorporate alumni, parents, student-athletes and college administrators with the campus community in a fun, friendly and collegial atmosphere. I believe that alumni contests represent the very best of what Division III and intercollegiate athletics are about.

I ask for your strong support for Proposal No. 4.

Donna Ledwin (Allegheny Mountain Collegiate Conference): We would like a clarification. If student-athletes compete in an alumni contest in the nontraditional season, have they used a season of eligibility?

Leah Nilsson (NCAA Staff): I will answer the question; however, does it relate to this proposal in any manner? The answer to your question is yes, competition in an alumni contest is considered outside competition because members of an alumni team are not currently enrolled in the member institution.

[Proposal No. 4 was adopted, 293-68-5.]

PLAYING AND PRACTICE SEASONS—OUT-OF-SEASON ATHLETICALLY RELATED ACTIVITIES—FOOTBALL

Tim Millerick (Austin College): I move Proposal No. 5.

[The motion was seconded.]

A couple of years ago, Austin College worked to support the nontraditional segment in football, even though we confessed at this Convention we were not strong fans of the nontraditional segment.

However, we found a number of supporting issues to provide us the rationale to support the nontraditional segment. The most important was the fact that we thought football deserved similar opportunity of a nontraditional segment as other sports.

It seems to me that the issue here is in providing footballs. If you look at other nontraditional segments, sports have the opportunity for limited skill instruction if it uses a ball. We think football deserves a similar opportunity.

As I have talked to colleagues about this issue, a couple of things come up. First, they say, “here goes football requesting something else.” They think next it will be helmets and pads and whatnot. I personally doubt that, but I would ask the group to not worry about what if and focus on the use of footballs in the nontraditional segment. I also realize the concern for liability and demands on such things as staffing and schedule and athletic trainers and health issues. It seems to us that those were issues to address regarding the nontraditional segment question itself.

Today, the focus is to provide footballs for the sport of football. I would encourage you to support that and support all Division III students with a similar opportunity for football. Thank you.

Joy Solomen (Rowan University): The original intent of this proposal, which was adopted a few years ago, was to afford student-athletes involved with football some of the same opportunities as other student-athletes.

That is basically the ability to have limited contact with their coaches for conditioning and training in the nontraditional setting. As we often do with legislation, after a period of time, we come forward to tweak the original segment, to improve upon it or to restate it to benefit the student-athletes or athletics programs in general.

Currently, every fall sport except football and every spring sport has an out-of-season opportunity to practice, work on improving skills and work with coaches using balls, bats, sticks, bases, cages, whatever. Football does not have that same opportunity. This legislation is not asking for pads or helmets or competition. In my opinion, that should not be an option because of the nature of the sport. However, to deny a student-athlete playing football the opportunity to throw a ball around or run a pass pattern because we fear they will

want more in the long run is certainly not the intent of this proposal.

Football has been classified with the nontraditional seasons with 16 practice opportunities, no more than four days a week, et cetera, like all other sports; yet, it is not permitted to do nontraditional activities. This is not a safety issue or a competitive issue. It is affording the opportunity for football student-athletes to feel they are being treated as fairly and equitably as other student-athletes and to perfect skills and become technically sound and strong.

In our Division III Manual, there are purpose of the Association statements. That first one reads: "To initiate, stimulate and improve intercollegiate athletics programs for student-athletes, and to promote and develop educational leadership, physical fitness, athletics excellence, and athletics participation."

Our philosophy statement reads: "... Encourage participation by maximizing the number and variety of athletics opportunities for the student-athletes." And under K: "To support student-athletes in their efforts to reach high levels of athletics performance."

Support of this proposal will certainly provide not only a more equitable opportunity for student-athletes, but also holds us to and fulfills our stated purpose and philosophy. I urge you to support Proposal No. 5.

John Fry (Franklin & Marshall College): I am a member of the Presidents Council. The Division III Presidents Council strongly opposes Proposal No. 5. It embodies the drive for more in our football programs—more time for football student-athletes on the field, more time for position-specific coaches to be conducting workouts and more money to support those efforts.

There are no compelling reasons to take this next step with the spring strength and conditioning segment in football. I would urge us to think responsibly about the current state of our resource pools before permitting any more. I would also urge you to think about the impact of this proposal on multisport student-athletes. Whereas, students can normally have participated in very complementary sports like football and track and field, adoption of Proposal No. 5 will require that student-athletes think hard about involvement with their track team and perhaps even give up the sport to work on football skills for five weeks in the spring.

I ask you all if that situation is best for all other sports on our Division III campuses? The question of more and the question of proper choices leads the Presidents Council to oppose this proposal. I urge you to do the same. Thank you.

Josh Centor (Brandeis University): I am a baseball student-athlete. The National Student-Athlete Advisory Committee urges you to support Proposal No. 5.

Division III student-athletes strongly believe that the opportunity to use a football and receive limited skill instruction will help football student-athletes enhance their fundamentals and give them a foundation to build upon in the summer leading up to their intensive fall training camps. This is in line with the Division III philosophy and is exactly the intent of nontraditional seasons. With the current restrictions on the nontraditional season, this will allow football student-athletes to have similar opportunities to practice sport-specific strength, conditioning and skill instruction that the other fall and spring sports are currently granted.

No other sport is denied the opportunity to use a ball during its 18-week season. The use of a ball and limited skill instruction does not make football any less safe than the use of a ball and limited skill instruction in the sports of soccer, volleyball, tennis, field hockey, lacrosse, baseball or softball.

On behalf of the Student-Athlete Advisory Committee, we advocate your adoption of Proposal No. 5.

Frank Carr (Earlham College): I rise to speak in opposition to this proposal.

As a college football coach for more than 20 years, I believe adding the use of a football

will have a negative effect on our players, our facility and our coaches. Use of the football will likely intensify and lengthen the current continuing programs and put pressure on our many multisport student-athletes to choose between football and practice in track, baseball and other spring sports. From a safety standpoint, I believe players will be involved in seven-on-seven team drills and be diving and colliding with other players. If this proposal is passed, I foresee a new proposal next year to require helmets and shoulder pads to guard against such injuries.

Finally, we have a broad-based program with many spring sports. All of our football coaches have dual coaching responsibilities in spring sport. I see the intensity going up in football and less attention being paid to spring sports such as track, lacrosse and baseball. I urge the membership to defeat this proposal as it radically alters the original intent of the nontraditional football conditioning period.

John Harper (Bridgewater State College): As a member of the Division III Management Council, I speak in opposition to Proposal No. 5.

This proposal represents another incremental step toward spring football practice. While being touted as a small modification to the spring conditioning period, this proposal changes the purpose of the spring segment in a very dramatic way. What was once a time of rest for football student-athletes became a supervised strength and conditioning period in the spring of 2003. Now, just two springs later, we see a proposal to make the spring a time for organized skill instruction.

The Councils opposed the adoption of the spring strength and conditioning segment at the 2002 Convention, and the Councils oppose the introduction of skill instruction at this Convention. If the spring segment is open to skill instruction, it pushes us further down that slippery slope. The next logical step will be a proposal for full-fledged spring football practice, previous comments notwithstanding. Historically, this is what we have seen. In light of these concerns, I urge you to defeat Proposal No. 5. Thank you.

Joan McLean (Ohio Wesleyan University): I rise in opposition to this legislation.

Our conference has not had a nontraditional football season until this upcoming spring. We were convinced by our athletics directors and our football coaches about the need for strength and conditioning. We oppose the addition of a football, especially as FARs, because it decreases the flexibilities students have to participate in the nontraditional season.

With strength and conditioning, one could imagine that when a student faces a conflict of participating and doing something off campus, he could still do the strength and conditioning routine on his own. When you add a football and drills, this is not the case. Not only will they face pressure from coaches to participate, but also from peers to be there to participate. We would like to maintain the flexibility for our student-athletes to participate in nontraditional seasons and think that is best done by not including a football in this part of the nontraditional season.

Kelly Sears (St. Joseph College, Connecticut): I am a soccer student-athlete. The Student-Athlete Advisory Committee strongly urges your support of Proposal No. 5.

This proposal simply asks for the use of a football and limited skill instructions during the nontraditional season. We understand there is fear among some of the membership that passage of this proposal might be the first step toward full spring football practice. However, this proposal is not for full spring practice. It simply allows football student-athletes to be treated equitably along with the student-athletes like myself who got to use the soccer ball during the nontraditional season.

We are not in favor of a full spring practice for football that includes contact and the use of pads. At this time, the proposal is only asking for the use of a football and limited skill instruction. We, therefore, ask for your support to maintain a philosophy of Division III, which demands that all student-athletes be treated equitably. Please vote to support Proposal No. 5. Thank you.

Kent Reeves (East Texas Baptist University): Proposal 5 allows kids to do what they do during recess—play football, throw and catch a football. Some will vote or think to vote no because if football wants football this year, they will want helmets and shoulder pads next year.

They will want a scrimmage game next year. But that is like saying I don't want my child to ride a bicycle because I am afraid they will have a wreck riding a motorcycle. You want to give them what you feel is safe. Don't give them what you feel is unsafe.

I would hate to see us not give them a football because of what we would consider unsafe later on. If it is more dangerous or violent for us to let them throw and catch a football without helmets, without shoulder pads, without contact, then why are we allowing such a barbaric sport in the NCAA? Thank you.

Rick Torgerson (Luther College): On behalf of the Division III Presidents Council, I speak in opposition to this proposal.

The rationale statement of this proposal suggests that the possibility of injury during the spring segment will be minimized because student-athletes will not be allowed to have contact and will not be wearing helmets or pads. To take a wider view of this whole thing, the nature of this proposal is to escalate the football activities that may be conducted in the spring. I have a very hard time believing that with this escalation the injury rates from this activity will not go up.

It was just three years ago that the spring strength and conditioning segment was implemented. At that time, it was stated by those in favor that strength and conditioning activities, supervised by football coaches, would be safer than voluntary workouts conducted under supervision of institutional strength and conditioning personnel. Now, we are being told that the addition of skill instruction will not impact safety. So, in essence, you are supposed to believe that our football student-athletes will be safer with the strength and conditioning segment that includes skill instruction than they would with no spring football activities at all. We all know that this is not the case, and I urge defeat of this proposal. Thank you.

Karen Johnson (Alfred University): As a member of the Division III Management Council, I speak in opposition to Proposal No. 5.

I would like to focus on several statements made in the sponsor's rationale statement. First, the sponsors indicate that conditioning and strength training sessions, combined with speed training, will produce the proper physical condition for maximum cardiovascular condition. Please note that speed training is permissible under current legislation. The adoption of this proposal does not help nor hinder this conditioning technique. Also, to this point, the rationale statement contends that agility drills involving footwork and quickness will combine well with the conditioning and strength training sessions.

Agility drills are also currently permissible, and new legislation is not needed to introduce this combination into the spring segment. The sponsor also makes the statement that the ability of student-athletes to interact one on one with their coaches in the off-season will improve the opportunity for counseling and assist greatly in student retention. Under the current spring strength and conditioning segments, this interaction may already occur.

Regarding the argument that this change should be made to bring about equity for football student-athletes, the Management Council's position is that football is unique in its level of contact and high injury rates. That is the basis for the sport to have a different practice season format.

The sponsors state that a basic instinct of student-athletes is to be involved in physical activities that require running, jumping and throwing. Of these activities, running and jumping are already permissible components of the spring conditioning segment and shall remain so without adoption of this proposal.

Finally, the sponsors state that since student-athletes involved in out-of-season athleti-

cally related activities will not use helmets, pads, blocking sleds or any other sport-related equipment, the possibility of injury is minimized because the segment has no physical contact. The Management Council's position is that the introduction of skill instruction will raise the potential for injury from the current strength and conditioning segment. Student-athletes would be involved in more varied physical activities, thus opening up the greater potential for injury.

The sponsor's rationale has provided us with no strong reason to support the proposal. Therefore, I urge you to veto Proposal No. 5. Thank you.

Jerry Larned (McMurry University): My university is a member of the American Southwest Conference. I encourage you to vote for this change because 50 percent of our football players are freshmen.

They come in and they either quit or transfer to some other school because we have a five-week period to improve those skills. How in the world are we going to improve their skills? It is difficult to work on passing, catching and kicking if we don't have some kind of ball. I suppose we could borrow it from one of those other sports that can have a ball.

Jerry Boyes (State University College at Buffalo): I speak in favor of this legislation.

I have been at the Division III level for over 30 years now as a player, coach and the last five years as an administrator. For those 23 years as a coach, I had to address numerous student-athletes, as I have until two years ago. Those football players ask why is it that their peers in tennis, baseball, lacrosse and soccer have the opportunity to have a nontraditional season, and up until two years ago I couldn't even talk with my coach? That was changed two years ago. They still ask why they are treated differently from their peers when they are able to use the ball during their nontraditional segment?

I have always been a team player. I answer those student-athletes by saying that I have faith in the athletics directors of Division III and the presidents of Division III and that they would make reasonable decisions. Two years ago, a reasonable decision was made to allow our football coaches to be present during strength and conditioning during the nontraditional segment. This was the first step in giving football players the same opportunities as their peers in other sports. However, the other sports have always been able to use their respective ball. Now, football is asking to be treated the same, not differently, just the same.

Why is it, I ask, that football is feared in this room? I have football coaches tell me that their ADs feel that football gets too much attention. Is that bias affecting people's abilities to make a decision on this reasonable legislation? There is no additional time, and there is no additional cost to this legislation. It is not an issue of more. It is just the same. I hear people say that if we vote for this, then next year they will want helmets and shoulder pads. If that happens, vote it down then. Vote that legislation down, not this. This legislation is reasonable.

Give our football-playing student-athletes the same opportunities as their peers and as it states in our Division III philosophy. I support this legislation and ask my colleagues to be reasonable people and make reasonable decisions on reasonable legislation. Thank you.

Chris Gage (University of Dallas): Proposal No. 5 is permissive legislation for all institutions. No institution is required to have any out-of-season program. Student-athletes will want to work out on their own. If they do it in a nonstructured environment without supervision, they will inevitably incur more injuries and develop bad habits. Just like you can't go bear hunting without a gun, you can't play football without a ball.

John Schael (Washington University in St. Louis): I disagree with that statement. Washington University played without a ball in the fall. The record shows it. (Laughter)

I think what we have to do is bring a little practicality back to what we are doing here in the NCAA. What we have before us really is a sport-equity issue. All of the football players, football coaches and athletics administrators who support intercollegiate football are just asking for fairness when it comes to their sport. We talk about the balls in softball and base-

ball. We talk about pucks in ice hockey. We talk about sticks in other sports. Can you imagine if they couldn't use a ball or a puck or the equipment that was associated with their sport? There would be a terrible experience. What we are trying to do and what we are all about, hopefully, in Division III, is to enhance the quality of the experience enjoyed by the student-athletes.

I hear some presidents and other athletics administrators getting up talking about if we give football a ball, next they are going to come back and make additional requests. Well, that is true with any piece of legislation that I have been associated with for the last 37 years. We all have that opportunity to come back the next year and try to make adjustments or try to tweak a piece of legislation so that it makes more sense and it is fairer, or it is more equitable for everybody in the Association. I know that not everybody supports an intercollegiate program, but those that don't have a program, just think about the sport-equity aspect of this particular issue. I urge your support for Proposal No. 5. I hope that you are with us. Thank you.

Sarah Forbus (Denison University) I am a basketball student-athlete. The Student-Athlete Advisory Committee strongly urges your support of Proposal No. 5.

There has been some discussion in the membership that the passage of Proposal 5 would mean a significant number of injuries to football student-athletes. However, a glance at the NCAA injury data shows that this simply is not the case. Last year, during full contact practices, there were 103,000 exposures, with 634 injuries, with an injury rate of 6.14. In the same year, there were 72,000 exposures of football student-athletes wearing helmets and shoulder pads during limited contact drills with 225 injuries. This is an injury rate of 3.12. For the same time period during noncontact practices, when players wore helmets only, there were 78,000 exposures with only 118 injuries. This is an injury rate of merely 1.51. This factual information shows that when the least amount of protective equipment is worn, it is less likely that there is going to be injury.

We hope the stats shows that the injury rate should not be a factor in voting against this proposal. This proposal gives football student-athletes equitable treatment with the rest of Division III student-athletes. Our philosophy states: "Division III institutions should assure that athletics participants are not treated differently from other members of the student body."

Imagine what your intramural participants would say if flag football and powder puff games had to be played without a football. The Student-Athlete Advisory Committee urges you to vote in support of Proposal No. 5.

Leon Lunder (Carleton College): I rise just as a commentary about how saddened I have become at the over-specialization of sport. Back in the ancient days of the '60s, when I had the opportunity to play, we could check a football out from the recreational equipment department and play catch with it in the spring, if we so chose. We could check a soccer ball out. We could do that.

Now we need to have coaches in organized practices in the nontraditional season in order to play catch with a football. As a former offensive lineman, I am really excited about this opportunity because my skills as an offensive lineman would be much enhanced by the access to a football in the spring nontraditional season. I can see where this would really help develop the skills of all of the players involved in football and not just the specialists such as kickers, passers and receivers. I am opposed to this legislation, but I am more saddened that we are even having this discussion.

Glenn Hedden (Kean University): Football student-athletes should be afforded the same opportunities as athletes in softball and baseball during their nontraditional fall season. Pitchers in baseball and softball are allowed to throw a baseball to condition their arms and shoulders. A quarterback should be allowed the same opportunity during his strength and conditioning five-week period. If the school or conference chooses not to allow their athletes

to participate in a five-week strength and conditioning period, that is their choice. Please do not deny the student-athletes at the schools and conferences that allow nontraditional conditioning. As a football athlete and coach, I can't believe that we are even talking about not giving athletes the ball for their sport. It just boggles my mind.

As Jerry pointed out, it is difficult to talk to your student-athletes when every other sport has their ball or equipment to use. I ask for your support of this legislation. We are not asking for spring football. As an administrator, I don't want to go down that road. I know what that entails. I am just asking for a football, plain and simple. It is ridiculous. Thank you.

Carlyle Carter (Minnesota Intercollegiate Athletic Conference): I heard some comments about how this particular proposal would not have any added cost. I am not sure if the student-athletes involved are going to be visiting the training room. Most likely they will. If you are going to be involved in pass-catching drills and are allowed to have a defender, that defender is going to be taped. There's the use of the field. There certainly is going to be some field prep during this five weeks.

In the Minnesota Intercollegiate Athletic Conference, we chose not to provide an unrestricted five-week period for strength and conditioning, which is what the original proposal was based upon. We provide seven opportunities for our coaches during that five-week period to be involved with monitoring conditioning and strength training. You all know that is not necessarily an impediment or restriction to success. Just recently, St. John's University won the national championship.

I have one last question for you. If Proposal No. 5 was attached to the original proposal of providing football the opportunity for strength and conditioning out-of-season, would it have passed?

Mike Clary (Rhodes College): Last year, a step was made to provide equities for Division III football student-athletes. Proposal 5 is an opportunity to finalize this equity. What do you tell your football student-athletes when they ask why they can't receive similar skill instruction as their volleyball, field hockey or soccer classmates receive?

The vast majority of football coaches will take extreme care not to put their student-athletes into a compromising injury situation. It just doesn't make good sense. Our soccer coaches, our lacrosse coaches and our field hockey coaches take similar precautions in their nontraditional seasons. Also, the vast majority of football coaches want their football players, many of whom are outstanding baseball and track athletes, to play two sports. They use this as a recruiting tool to encourage high-level two-sport athletes to participate and come to their institutions.

Let us finalize equity for Division III football student-athletes. Give these young men the same opportunity as their fellow athletes. Thank you.

Dick Kaiser (Defiance College): With all due respect to the rest of my colleagues who want to speak, I call the question.

Ms. Coffey: The motion to call the question effectively ceases debate even though there are others at the microphone. It does require a second.

[The motion was seconded and approved, 351-19-10.]

We are now ready to vote on Proposal No. 5. The polls are now open.

[Proposal No. 5 was adopted, 209-125-47.]

EXECUTIVE REGULATIONS—AUTOMATIC QUALIFICATION—GOLF AND TENNIS

Stephen Argo (Southern Collegiate Athletic Conference): As a member of the Division III Management Council and the Championships Committee, and on behalf of the Presidents Council, I move the adoption of Proposal No. 6.

[The motion was seconded.]

At the 2003 NCAA Convention, the membership directed the Championships Committee

to draft legislation regarding implementation of automatic-qualification principles in the sports of golf and tennis. The Championships Committee has worked closely with the governing sports committees of golf and tennis throughout the process of determining how best to incorporate AQ principles into their sports. This proposal includes maintaining the current individual access to each championship and implementing an access ratio of 1 to 7.5 for the team portion of the championships.

As a matter of process, I want to emphasize that this proposal merely establishes automatic-qualification principles to assess the team component of these changes. It does not set in stone any of the other policies relating to these championships, such as when the championships must occur or even the actual format of the championships.

Those nonlegislative details continue to be worked out by the Championships Committee, the affected sports committees, Management Council and Presidents Council. The Management Council and the Presidents Council ultimately hold the responsibility for those decisions.

I ask you today to support the concept of automatic qualification for the team component of the championships in golf and tennis. As always, the Championships Committee continues to welcome your feedback about the best way to run those championships or any others.

On behalf of the Management Council and the Championships Committee, I urge you to vote yes on Proposal No. 6.

Steve Wallo (Lewis and Clark College): As a member and outgoing chair of the Division III Championships Committee, I speak in favor of Proposal No. 6.

The Championships Committee has developed a preliminary plan for the format of golf and tennis championships to incorporate AQ. As you know, the AQ format results in a substantially increased field size. I would like to clarify a couple of points about the proposed golf championship. First, the plan for both men's and women's golf championships is to maintain the current format of one final championship site with all participants. Based on 2003-04 sponsorship numbers, including provisional members, the men's golf championships will increase to 180 competitors from 120. The women will increase to 100 competitors from 60. To accommodate the increase on the men's side, the format change will require two golf courses for two days of competition. There will be a cut in the field after two rounds, and the final two rounds will be conducted on one golf course. On the women's side, the format change includes moving from one wave of competitors to two.

I would also like to note that the proposed format has been recommended and supported by both the governing sports committee and the Championships Committee. An alternative option of adding regional sites before the final site on the men's side was considered. It was determined that the resulting regionals would require either a great deal of travel by many teams to a limited number of regionals or the number of regional sites needed to prevent excess travel would result in competitive field sizes that are too small.

The addition of regional competition would also result in an increase in missed class time. Therefore, it was rejected. Further, the new formats will not affect the current windows available for your conference championships in these sports. Conference autonomy is maintained. This question has come up in several settings.

I would like to conclude my comments by reminding you that we are voting on the concept and framework of individual team sport Aqs in golf and tennis, and the Championships Committee will continue to work through the details of the format.

On behalf of the Championships Committee, I urge you to vote in favor of Proposal No. 6.

Sameer Khan (Fairleigh-Dickinson University, Madison): I am a golf student-athlete. The Student-Athlete Advisory Committee urges you to support Proposal No. 6.

Establishing automatic-qualification principles for golf and tennis is consistent with the

Division III philosophy. Division III institutions strive to encourage participation by maximizing the number and variety of athletics opportunities for their students, and this AQ will provide enhanced access to championships for student-athletes. The AQ will also place greater focus on conference championships and regional in-season competition, which is again consistent with the Division III philosophy.

Finally, establishing these automatic-qualification principles that therefore create greater access to championships will foster a higher level of athletics competitions among student-athletes. Thus, the Student-Athlete Advisory Committee requests your support for Proposal No. 6. Thank you.

Charles Mitrano (Empire 8): I commend the Championships Committee, the Management Council and the Presidents Council for their important work on this initiative.

The current format is inequitable. It has been stated very clearly by the leadership of the Student-Athlete Advisory Committee. I represent a conference that has been in existence for more than 40 years, and these championships have been contested for roughly 30 years in many cases. We have not had one institution advance to any of these tournaments. It is in a format that is supposed to be representative of our division and of our membership. I think that is a very unfortunate statement. I am sure there are other conferences in this room that can make the same statement as well.

There is a handful of conferences that receive a vast majority of the berths. In the East region, for instance, there have been conferences that have received four of the six berths that are available. This is not representative. This is redundant conference play.

These championships require the AQ in order for the growth of the sport. I believe the implementation of AQ in tennis and golf will create more competition and also benefit the growth of the sport across the nation. The AQs for tennis and golf will also greatly enhance the collegiate experience for many more of our student-athletes.

We have a very strong ability today to make a statement to our student-athletes and their commitment to our collegiate experience. For men's tennis, it will mean 15 additional teams that are not currently having that opportunity, and more than 105 student-athletes. Women's tennis will have 23 additional teams and 184 more student-athletes. In men's golf, there will be 12 additional teams and 60 more student-athletes. Women's golf will have eight additional teams and 40 more student-athletes. In total, 50 more member institutions will have an opportunity in addition to 389 additional student-athletes having the ability to compete in an NCAA championship.

I think it is also important to know that this does not change the individual portion of either the golf or tennis championships. A few years ago, our membership asked the NCAA to adjust its ratio to allow more berths for team sports that carried a heavy price tag. Now, the NCAA is offering to provide an AQ for tennis and golf, and they are offering to pay for it. The money is already allocated to assist in that effort. Let's enhance these experiences of many more of our student-athletes and coaches, and approve Proposal No. 6.

Jeanie Watson (Nebraska Wesleyan University): As a member of the Division III Presidents Council, I speak in favor of Proposal No. 6.

The adoption of automatic-qualification principles in golf and tennis supports the divisional philosophy regarding access to championships by emphasizing conference and regional competition.

This proposal maintains the current access to the individual portion of the championships, which was identified as the key component by the respective sports communities and was supported, as you have heard, by the Student-Athlete Advisory Committee. I urge you to vote in favor of Proposal No. 6.

Joyce Wong (Eastern Connecticut State University): On behalf of the Management Council and the Championships Committee, I speak in support of Proposal No. 6.

Both golf and tennis have a true team component to their participation, as participants

qualify as teams as well as individuals. Applying the AQ principle to the team portion of these championships will broaden the access for team qualification into these championships. This will also more fully support the divisional philosophy regarding emphasis on conference competition by rewarding championship access to all conference champions in these sports. On behalf of the Management Council and the Championships Committee, I urge you to support Proposal No. 6.

Lynn Imergoot (Washington University in St. Louis): I am an assistant athletics director and women's tennis coach. I am speaking in opposition to Proposal No. 6, particularly as it relates to women's tennis.

My comments are based on the tennis and golf survey completed by the membership and sent specifically to find out when conference championships are determined and when traditional and nontraditional seasons are played. Several questions are raised. Out of the respondents of the survey for women's tennis, 54.4 percent of the teams play the majority of their team portion in the fall, and 54.2 percent select their conference champions in the fall, which causes me to raise a few questions.

If the AQ is decided in the fall and the women's championship is in the spring, you don't necessarily have the same team and you are not necessarily playing the same way. Right now, there are no stipulations that a team must play in the spring in order to play in the championship.

I would like to have this group consider the possibility of making women's Division III tennis a full championship sport, because if you have AQ, it will be the same season as the championship. The nontraditional season would be after the championship season, which is the way it is, I believe, in most other sports. It would be a cost saving because you wouldn't need indoor time nor spring break trips, and the survey also indicated that 51 percent of the teams that answered the survey have one coach for both men and women, so the coach could effectively coach both those teams.

We are being asked to vote on this proposal without the details, and frankly, the devil is in the details. I urge that this proposal be defeated.

Jeff Ankrom (Wittenberg University): I think this legislation is well-intentioned. The principle of equity is obviously important, but I think there are unintended effects. The compression of the season would be a serious problem. I think especially in the sport of golf.

We don't have enough details to know this for sure, but I think it is pretty clear that it would mean much bigger fields and the amount of time needed to conduct this championship would be expanded. We believe that our conference championship, if it were to be held in the spring, would be moved up to April 15, which doesn't leave a whole lot of time for a regular season.

Compression of the regular season is the main problem that we see. As a faculty rep, I believe that I can safely report that golfers and tennis players are among the students who miss the most class. Most of the golf tournaments, for example, are scheduled on Fridays and Saturdays, or Sundays and Mondays. If you have Monday, Wednesday, Friday classes scheduled, this can be a serious problem. I think this legislation would exacerbate that problem. We would also be once again pushing into graduation and finals.

I urge the defeat of this proposal.

Patricia Epps (Franklin & Marshall College): I rise to speak in favor of Proposal No. 6 and urge you to do likewise.

In order to make my points clear, I will be talking specifically about men's and women's tennis, with a special emphasis on women's tennis. I would like to chronologically as briefly as possible take you through the evolution of women's tennis. In 1982, the first NCAA women's tennis championships were held at Millsaps College in Mississippi. I was there, and some other people in this room were as well. At that time, the NCAA got it right by holding the women's championships in the spring. At that time, many women's programs were rel-

egated and limited to fall seasons, while the men enjoyed a full spring season, and in many cases, a fall season as well. On the east coast, the ECAC has long had a fall men's tennis championship that has been well attended.

Since 1982, many schools have become available for postseason play. They were not available for postseason play by conference rules before that time. Since that time, by providing the opportunities, they have developed programs in both the spring and the fall for both their men's and their women's teams, and they have had access and gone to the spring championships. Many colleges have embraced the concept of a split season whereby the tennis teams allocate their weekly allotment as best suits their geographical location, that facility and personnel needs.

Point two. Around five or six years ago at this Convention, we had a long, drawn-out discussion about automatic qualifiers. At that time, I served as the chair of the Men's and Women's Championships Committee and attended an August meeting in Indianapolis where the chairs of all the Championships Committees were assembled. You can only imagine what happened at that meeting. Many of these people, as coaches themselves, were schooled about Pool A, B and C and how it all was going to work.

There were many, many cries that the No. 3 team in my conference always beat the No. 1 team in this conference, and this isn't fair. It is not excellent. At the time, the message was loud and clear. We are about access. We are about providing opportunities. We are in Division III and we are about access.

That takes us up to the current situation. I am a member of the Intercollegiate Tennis Association Board of Directors. We met in December. As at most conventions, not all coaches are there. At the Division III roundtable, no one spoke against this proposal. All the coaches were in favor of it. In fact, there were many coaches who coached both men's and women's teams, and probably spent more on Gatorade and granola bars than they were paid, who were thrilled because this would be the opportunity for their team that did not receive their championship in the fall to prod their athletics department to also play in the spring and have access to the championships. They saw this as a great opportunity to recruit better student-athletes and also to improve upon their program. I think that's what this proposal will do in the sport of Division III women's tennis.

Please, this is not an issue of fall seasons. With all due respect to Lynn, in the same survey, it also said all schools that play in only the fall or spring, when do you play? Ninety percent of the respondents have their championships in the spring, of the schools that play only one season. What happened to all the rest of those people? They obviously have both a fall and a spring season. The way the sport of tennis is played. That is the way the calendar for the sport of tennis worldwide is held.

I urge you to adopt this resolution. Thank you.

Chuck Mitrano (Empire 8): I would like to echo some of the comments from the prior colleague.

Roughly six years ago, this body reviewed the possibility of AQ in team sports, and there was a lot of uncertainty at that point as well. There were some people who were uncomfortable with the notion.

At that time, you were asked to put your trust in the Championships Committee, the Presidents Council and the Management Council to work out the details. But they did ask for your support of the spirit of the legislation. I ask you to do the same thing today.

The Division III Presidents Council and the Management Council are the best authorities to know what is best for our division. They have our philosophy at the very highest of their concerns. It's the Championships Committee's job to work out those details and handle it appropriately. We trust our business to them on a consistent basis. I think it is really important that we entrust the governing bodies of our Association to handle the details of this proposal to the point that a team that has a championship in the fall but can pass on the NCAA

championship in the spring. There's the potential that it can look different.

We face that potential in every sport we compete in now. There are a lot of dual-sport athletes. You could have an athlete who plays soccer in the fall and come the winter season they are a basketball player, but they may be competing in the national championship from the fall. They have to make a decision. We are faced with these instances quite frequently. This is nothing new. Having said that and having put the ultimate trust in the governing bodies of our Association, I ask for your support. In addition to that, I call for the question.

[The motion was seconded and approved, 348-21-3.]

[Proposal No. 6 was adopted, 311-60-5.]

Ms. Coffey: That concludes this morning's Presidents Council legislative grouping and our roll-call votes. I remind you we will post the voting results on the board outside the meeting room as soon as possible. The window to reconsider the proposals will open after our morning break.

We now will consider the rest of our proposals, Nos. 7 through 12. For these, we will use our paddles. However, please keep your voting unit handy. We use them to tally the votes if a paddle vote is too close to call.

ELIGIBILITY—HARDSHIP WAIVER AND SEASON-OF-COMPETITION WAIVERS— COMPLETED OR SCHEDULED CONTESTS

Chad Yowell (Wheaton College, Massachusetts): As a member of the Division III Management Council, the Student-Athlete Reinstatement Committee, and on behalf of the Presidents Council, I move Proposal No. 7.

[The motion was seconded.]

This proposal will give student-athletes the ability to specify that completed or scheduled contests/dates of competition may be used to determine whether an additional year of participation through the hardship waiver and season-of-participation waiver legislation may be granted.

The Student-Athlete Reinstatement Committee and the Management Council believe that these waivers involve circumstances in which the student-athlete is unable to continue competing for circumstances beyond the student-athlete's control. Therefore, the Student-Athlete Reinstatement Committee and the Management Council believe that this proposal will aid student-athlete welfare by expanding the number of student-athletes who qualify for these respective waivers.

Finally, this proposal has an immediate effective date for all competition occurring on or after August 1, 2004, so that all student-athletes competing during the 2004-05 academic year may avail themselves of this legislative change.

Please vote in support of Proposal No. 7. Thank you.

Miriam Pride (Blackburn College): As a member of the Division III Presidents Council, I speak in support of Proposal No. 7.

This proposal will permit many student-athletes to know earlier in the season if they qualify for a hardship or season-of-competition waiver. Rather than having to wait until the end of the season to see how many contests were actually completed, a student-athlete will know at the time of injury if he or she met the waiver criteria for the scheduled contest. This proposal also lessens the impact of weather on the application of these waivers for schools in the northern climates that may compete in fewer contests than those in other parts of the country. In this way, the disparity due to climate is lessened.

As a result, this proposal prohibits more flexibility in the application of the hardship and season of competition waivers, which will have a positive impact on student-athlete well being.

I urge you to support Proposal No. 7. Thank you.

[Proposal No. 7 was adopted.]

ELIGIBILITY—SEASON OF PARTICIPATION WAIVER—COMPETITION WHILE ELIGIBLE—PENALTY

Valerie Cushman (Randolph-Macon Woman's College): On behalf of the Division III Presidents and Management Councils, I move Proposal No. 8.

[The motion was seconded.]

This proposal will eliminate the withholding penalty from season-of-participation waivers for student-athletes who participate while eligible. The reinstatement committee and the Council recognize that when a competition-while-eligible waiver is requested, the circumstances generally are beyond the control of the student-athlete and institution, but it is fair and consistent with the student-first philosophy not to impose withholding conditions in these circumstances.

This proposal has an immediate effective date for any competition occurring on or after August 1, 2003. This date was set because the Student-Athlete Reinstatement Committee has jurisdiction over every request for competition occurring on or after August 1, 2003. A retroactive effective date will allow all student-athletes who satisfy the waiver criteria to be treated similarly by the committee.

In support of the student-first philosophy, I ask you to vote in favor of Proposal No. 8. Thank you.

Miriam Pride (Blackburn College): As a member of the Presidents Council, I speak in support of Proposal No. 8.

In putting forward this proposal, the Student-Athlete Reinstatement Committee thought about fairness and consistency. Student-athletes should not be responsible for a withholding penalty if they have met the comprehensive requirements to actually be granted a season-of-participation waiver for competition while eligible. As a reminder, a student-athlete must have experience in extenuating circumstance to be granted this waiver.

Examples of those circumstances include a life-threatening injury or illness of an immediate family member or extreme financial difficulties.

For all of these reasons, I urge you to support Proposal No. 8. Thank you.

[Proposal No. 8 was adopted.]

ELIGIBILITY—TRANSFER REGULATIONS—LIMITED PRESEASON PARTICIPATION

Sandra Slabik (Neumann College): On behalf of the Division III Presidents Council, the Management Council and the Interpretations and Legislation Committee, I move the adoption of Proposal No. 9.

[The motion was seconded.]

This proposal establishes an exception to the transfer residency requirement for transfer student-athletes from Division III institutions who have never used a season of participation. Under the new seasons-of-participation legislation, a student-athlete who only practices before the first regular-season competition and then leaves the team, does not use a season of participation.

If such a student's limited participation does not result in the use of a season, he or she should qualify for an exception to the transfer residency requirement. In addition, adoption of this proposal will result in a consistent standard for the evaluation of eligibility under the seasons of participation and transfer regulations.

In cases in which a Division III student-athlete transfers without having previously used a season of participation, it will no longer be necessary for the previous institution to determine whether or not the student-athlete would have been academically and athletically eligible had she or he remained at the school.

For these reasons, I urge you to support this proposal. Thank you.

Jay Mosley (Franklin College): It seems logical that if a student's participation does not result in the use of a season of participation, he or she should be eligible for an exception of the transfer residency requirement.

This proposal will help to ease the administrative burden of determining the eligibility of student-athletes who only practice for a limited time on your institution's team and may later transfer to another Division III institution. In the case of such student-athletes, it will only be necessary for your school to tell the next institution that the student-athlete did not use the season of participation. In addition, this proposal furthers the principles of deregulation and student-athlete well being. The rule will be simple to apply. It will promote opportunities for student-athletes who have previously had only very limited participation.

For these reasons, I urge you to support this proposal. Thank you.

[Proposal No. 9 was adopted.]

ELIGIBILITY FOR CHAMPIONSHIPS—DURATION OF INELIGIBILITY FOR USE OF BANNED DRUGS

Connee Zotos (Drew University): On behalf of the Division III Management and Presidents Councils, I move Proposal No. 10.

[The motion was seconded.]

This proposal expands the options available to the NCAA drug test appeal panel that considers a case brought by an institution on behalf of the student-athlete who has tested positive for an NCAA banned substance.

The current bylaw allows the panel only two options—to uphold the positive test and apply the full penalty of withholding the student-athlete from competition for one year and losing one season of eligibility, or to fully exonerate the student-athlete with no penalty or consequence.

This proposal creates a third option, which would apply in a positive drug-test case in which there are significant unique circumstances that lessen the student-athlete's blame for the positive test. With this option, the drug test appeal panel could apply a reduced sanction rather than the full penalty. It is important to note that this option does not apply in positive drug test cases in which the student-athlete is deemed to be at no fault and, therefore, would receive no sanction. Also, it does not alleviate the institution of its responsibility to educate student-athletes about banned substances.

This proposal has an effective date of August 2005 and would apply only to those positive drug tests conducted from that date forward. The Committee on Competitive Safeguards and Medical Aspects of Sport would assure the membership received information on this change in policy.

I urge your support of Proposal No. 10. Thank you.

Peggy Williams (Ithaca College): On behalf of the Division III Presidents Council, I speak in support of Proposal No. 10.

This proposal gives the drug-testing appeal panel the flexibility required to maintain strong enforcement of NCAA anti-doping rules, while also providing for a responsive case-by-case approach to student-athletes who test positive under unique circumstances. It represents legislation that is both fairer and more flexible for Division III student-athletes. As such, this proposal is consistent with the application of other sanctions involving NCAA student-athlete eligibility issues.

I urge you to vote in support of Proposal No. 10. Thank you.

[Proposal No. 10 was adopted.]

ELIGIBILITY FOR CHAMPIONSHIPS—POSITIVE DRUG TEST— NON-NCAA ATHLETICS ORGANIZATION

Greg Harshaw (University of California, Santa Cruz): On behalf of your Management Council, I move Proposal No. 11.

[The motion was seconded.]

Passage of this proposal will demonstrate the NCAA's commitment to anti-doping in sport at all levels by barring an athlete who is under a national or international doping suspension from competing in intercollegiate competition. It will require that a student-athlete under a drug-testing suspension from a national or international sports governing body that has adopted the World Anti-Doping Agency code shall not participate in NCAA intercollegiate competition for the duration of the suspension. It is important to note that this proposal only applies to suspensions for those substances banned by the NCAA. Also, the proposal carves out an exception for those banned substances, which the NCAA allows for valid medical need and academic success.

This proposal has an effective date of August 2005, and would apply to athletes from that time forward.

I ask that you vote for Proposal No. 11.

David Beckley (Rust College): On behalf of the Division III Presidents Council, I urge you to support Proposal No. 11.

Adopting this proposal is necessary because from the current NCAA policy, it is possible for a student-athlete on an international doping suspension to participate in intercollegiate athletic competition. This situation created an impression that the NCAA harbors dirty athletes. Under the new World Anti-Doping Agency code, all sports governing bodies involved in Olympic competitions have agreed to work in harmony on testing policies and procedures to deter drug use and eliminate cheaters from their ranks. The NCAA has an obligation to the World Anti-Doping efforts to join its counterparts in honoring international sanctions for drug use.

To demonstrate the NCAA's commitment to support World Anti-Doping Agency efforts and to preserve fair intercollegiate competition, please vote in support of Proposal No. 11.

[Proposal No. 11 was adopted.]

PLAYING AND PRACTICE SEASONS— GENERAL PLAYING SEASON REGULATIONS—SKIING

Leon Lunder (Carleton College): On behalf of the Division III Management Council, I move Proposal No. 12.

[The motion was seconded.]

This proposal recognizes that alpine and nordic skiing are different disciplines that share an NCAA championship. It allows for each discipline to establish its own 19-week season as well as its own 16 days of competition.

The Playing and Practice Seasons Subcommittee and the Management Council put this proposal forward after hearing a request from Division III skiing institutions that the two disciplines included different student-athletes, are conducted in different venues and concentrate competitions at different points of the season.

As an example, the national governing body conducts nordic in January and its alpine championships in March. At last year's skiing championships, no student-athletes competed in both alpine and nordic events. Standard events for the alpine skiers are separate than those for Nordic and are held at different types of facilities. This proposal allows each institution the opportunity to exercise flexibility in scheduling to best meet the needs of both the alpine and the nordic skiers.

In support of Division III skiing, I urge your support of Proposal No. 12.

Peggy Williams (Ithaca College): On behalf of the Division III Presidents Council, I speak in favor of Proposal No. 12. This proposal respects the unique nature of skiing and supports flexibility in scheduling to best accommodate the Division III skiing student-athletes. Providing the teams the flexibility to schedule separate playing and practice seasons will allow them to make adjustments as needed due to issues such as weather and access to facilities. It should be noted that Divisions I and II have similar proposals.

I encourage you to vote in favor of Proposal No. 12. Thank you.

[Proposal No. 12 was adopted.]

Ms. Coffey: That concludes our initial consideration of proposed legislation. Thank you very much for your attention and cooperation. I will now turn the gavel back to President Stone.

Mr. Stone: Thank you, Suzanne, for taking us through the business session. When we come back from the break, we will elect Management Council representatives. We will also have the time for reconsideration. Motions for reconsideration must be made by voting delegates only, and you must have been on the prevailing side to ask for reconsideration. We are now ready to take a 15-minute break.

[The delegates took a 15-minute recess.]

OPENING REMARKS

Mr. Stone: Please take your seats, and let's resume our business session.

I would like to deal with two procedural items. First of all, because of some technical problems, we could not generate the report to post the results outside as we had expected to do. If you need that information for purposes of making your motion, don't hesitate to come up and get Dan's or Bridget's attention.

It has been posted. We finally got that up. I am sorry about the confusion.

The other item has to do with the ability to record and retain one of the votes you took this morning. On Proposal No. 6, which had to do with the automatic qualifier for golf and tennis, the vote was cast, recorded properly, posted on the screen for you to see and announced from the podium. Unfortunately, the retrieval system isn't working to be able to hold on to the individual votes to make a record of all of that. I want to announce the vote to you, and in light of the fact that it was announced by Suzanne, who was chairing at the time, and that it was posted for you to see, there is no issue there. Because it is a decisive vote, I am going to make a ruling, and then I will see if you want to overrule me or appeal my ruling. The vote on No. 6 was this: yes votes, 311; no votes, 60; abstained, five. As I said, that was announced from the floor, so I am going to rule from the chair that it is an effective roll-call vote because it was done and announced. But if there is objection, you need to go to the microphone or wave to get my attention, and ask the delegate body to overrule me by majority vote, which you can certainly do.

I don't see anyone trying to do that. I thank you for your indulgence. I am sorry that happened. We will try to make sure everything works smoothly on everything else, but that was something beyond our control.

MANAGEMENT COUNCIL ELECTIONS

We are back in our business session. I want to move now to the election of the Management Council members for next year.

Let me remind you again that if you are thinking about moving to reconsider, you need to be a voting delegate. You must have been voting on the prevailing side to make a motion to reconsider.

We will turn to the matter of elections. We have a Nominating Committee that will report to you in just a moment. We have six new appointments. You should have received the names of those nominees as part of your registration material. The Presidents Council slots are filled by the Presidents Council, so you don't do those at this session. But for the Management Council, I will turn to Karen Johnson from Alfred University, who chairs the Nominating Committee, to make her report. Karen.

Karen Johnson (Alfred University): Thank you, Phil. The Nominating Committee wishes to thank the Division III membership for their interest in serving the NCAA. Since last year's Convention, the Nominating Committee has made appointment recommendations for approximately 100 committee vacancies.

Currently, there are 251 individuals serving on Division III committees. Of those members, 59 percent are men, 41 percent are women, and 11 percent are ethnic minorities. There are 65 Division III members serving on Association-wide committees. The Nominating Committee is committed to increasing the number of women and ethnic minorities who participate in the NCAA governance structure, and we need your help. Please take the time to nominate your colleagues or nominate yourself. In either case, it is all done electronically and nominations remain active for two years.

On behalf of the Nominating Committee, I would like to present the following slate of nominees for service on the Division III Management Council: Patricia Epps, senior woman administrator, associate director of athletics from Franklin & Marshall College; Timothy Gleason, commissioner of the Ohio Athletic Conference; Kevin McHugh, director of athletics, The College of New Jersey; Rosalie Resch, senior woman administrator, University of Chicago; Kay Whitley, director of athletics, Sul Ross State University; and Charlie Wilson, faculty athletics representative, Olivet College. It should also be noted that the Division III Student-Athlete Advisory Committee appointed Heather Mathis from Maryville College in Tennessee to serve as the SAAC representative on the Management Council.

Student-Athlete Advisory Committee members are chosen to represent their conference and a partner conference throughout the SAAC partner/conference program. The goal of the conference partner program is to increase communication with nonrepresented conferences. SAAC representation rotates between the designated conferences. I thank you for the opportunity to serve the membership as chair of the Nominating Committee and also as a member of the Management Council. The new chair of the Nominating Committee will be Paul Moyer, athletics director from Moravian College.

If you would like more information about committee service, please be sure to stop by the committee administration booth and speak with Sharon Tufano, the NCAA committee coordinator. Thank you.

Mr. Stone: Karen, I am not sure I heard the words, there is a little echo up here, are you moving the election of that slate that you read?

Ms. Johnson: Yes.

Mr. Stone: All right. Thank you. Is there a second to the motion?

[The motion was seconded.]

Mr. Stone: There is a second. Karen, I also want to thank you for the work you and your committee did. I know you are finishing up your term on this and several other committees that you have worked so hard. Thanks so very much.

You have a right on this motion to amend it by adding a name. Are there other nominations? I will ask you again to wave to me so I can see you coming, because I don't want to wait too long. I don't see anyone, so the motion before you is whether to elect this slate to the Management Council. You will do that by paddle votes.

[The slate of nominees was approved.]

You have elected this slate, and we congratulate them and look forward to having them work on your behalf.

As I said, the presidents group elects the Presidents Council members. We have two new members—Jay Mosley of Franklin College, and Richard Flynn of Springfield College. We are glad to have you. We also have John Fry from Franklin & Marshall College and Richard Torgerson from Luther College. We are very glad to have all of you back.

WINDOW OF RECONSIDERATION

It's now time for the reconsideration of anything that we did this morning. My effort to try to make it clear as to how you do it was not a zealous invitation to do it, but you have a right to do it.

The window of reconsideration is to give you a chance to simply see if there is anybody who needs to make a motion to reconsider an item. Does anybody want to reconsider a proposal? Are you willing for me to declare that the time is closed? I see some heads nodding. Okay. You are satisfied with the votes you cast this morning, and that's final on that.

DELEGATE COMMENTS

Michael Miranda (Plattsburgh State University of New York): I would like to pause for a moment and recognize the efforts of the Management Council chair who presided over the legislative meeting this morning. I think we owe her a tremendous amount of gratitude in wrapping it up in about two hours. I think that could be close to a record. Second, while this is the most visible role that she plays, her efforts continued for the entire year. She was a tireless advocate for Division III. She represented us very well within the division and also within the Association. For all of that, I believe we do owe her a debt of gratitude and a moment of recognition. So, if you will join me, please.

[The delegates extended a prolonged standing ovation.]

OPEN DISCUSSION

Mr. Stone: Thank you, Mike. I am glad you said that. The words were well said and well deserved. Suzanne, we will miss having you in the leadership role, but we know you will keep helping in working with us.

We are going to move now to our discussion topics. Our first one will be sports wagering. This relates to sports wagering in Division III. We hope that is an oxymoron, but the committee may tell us something else. In any event, we need to understand how it affects us in Division III.

We have several people here to lead us. We have Doug Hastat, who is the chancellor of the University of Wisconsin, La Crosse, and a member of the Management Council; Brady Barke, a Student-Athlete Advisory Committee member from Webster University; and Deana Garner, who is associate director for agent, gambling and amateurism activities at the NCAA. We are going to yield the podium to them and let them make their presentation. Thank you.

SPORTS WAGERING

Deana Garner (NCAA Staff): I appreciate the opportunity to speak to you. I am going to give you some information that hopefully you will find to be very helpful regarding the NCAA 2003 sports-wagering survey that was conducted in the fall of 2003.

There will be a Powerpoint that will be available to you for your review and edification. I hope you will take advantage of reviewing it. Brady Barke, who was one of the representatives of the Sports Wagering Task Force and represented the Division III student-athlete's

perspective from the national SAAC, and Doug Hastat, chancellor of the University of Wisconsin, at La Crosse, are also going to co-present with me. We'll try to make our presentations fairly concise. We realize you have other business to attend to before wrapping up this portion of your Convention agenda. I am going to give you information regarding the results of the NCAA's 2003 survey on sports wagering. Specifically, I am going to review NCAA Bylaw 10.3, talk about the sanctions, and highlight how that is applicable to you, your student-athletes, myself, other representatives of the national office and representatives of the staffs that work at member conferences. Then I am going to turn it over to Brady Barke to talk about how Division III student-athletes responded to the survey and how their responses compared with Divisions I and II responses.

First of all, let's review the bylaw and the reasons for the study. The agent, gambling and amateurism staff deals with sports-wagering cases. At the Division III level, it has been very helpful to review student-athlete responses to make sure we are aware of what they understand about wagering rules that apply to this audience, conference staff members, athletics department staff members, national office staff members and student-athletes. We are under the jurisdiction of Bylaw 10.3. It states that we are not to provide information to individuals involved in organized gambling about activities that relate to intercollegiate athletics competition. The rule further states that we are not to engage in soliciting bets on any intercollegiate team. We are not to accept a bet on any team representing the institution. We are not to solicit or accept a bet on any intercollegiate competition for any item that has tangible and/or financial value. We are not to participate in any gambling activity that involves intercollegiate athletics or professional athletics through a bookmaker, also known as a bookie, a parlay card or any other method employed by organized gambling.

To drill down as it applies in the real world of sports wagering that we see covers Internet gambling on sports, going to the casino, sports books—whether it is in Las Vegas or Reno, Nevada, or other venues where there are illegal and open sports books—and/or participation in March Madness sports pools, and/or fantasy leagues, whether they are on the Internet or in some other form. Those are examples of what the bylaw applies to. Those activities are not allowed under NCAA Bylaw 3 and could result in a violation of that bylaw. With regard to the sanctions, if student-athletes engage in activities that affect the outcome or influence the outcome of competition, thus engaging in point shaving, then they would permanently lose their remaining regular-season and postseason eligibility for all sports.

As it relates to staff, meaning non-student-athletes, obviously, it would affect their employment status. If a student-athlete solicits or accepts a bet or participates in any gambling activity that involves intercollegiate or professional athletics through other devices that are stated in this particular slide, the minimum penalty is the loss of all regular-season and postseason competition for a minimum period of one year from the date the institution determines that a violation has occurred, and they also shall be charged with a loss of a minimum of one season of participation. So, obviously, the penalties are extremely significant. The other thing that I would center your attention on is that these penalties or these sanctions are legislative. From the institution's perspective, you can request reinstatement on behalf of the student-athlete after the fulfillment of the minimum conditions as set forth if the legislative sanctions have been fulfilled. There are additional sanctions that you need to be aware of. Obviously, if there are subsequent violations of the same bylaw committed by the student-athlete, then that student-athlete shall permanently lose all remaining regular-season and postseason eligibility in all sports.

The sports-wagering survey was the first survey that represents a collection of national data on this type of behavior. The survey gathered information from a variety of sports and a cross section of Divisions I, II and III. Approximately 21,000 survey respondents provided their input and insight. From this information, we can continue to gather more information as it relates to this behavior. The data were selected in a systematic way with the assistance

of faculty athletics representatives at NCAA Divisions I, II and III institutions. The research staff at the national headquarters, myself and others who work on the agent, gambling and amateurism staff assisted in the collection of the information once the survey responses came into the office.

All NCAA institutions were asked to participate in the study. Here are the numbers from the data that were requested from approximately 2,003 individual sport teams and approximately 1,032 NCAA institutions. Approximately 21,000 male and female student-athletes responded. As it relates to Division III, approximately 32 percent of Division III student-athletes made up the 21,000 female and male student-athlete population who responded to the survey. We believe that a significant portion of the survey respondents from Division III will be very helpful in our understanding of how we address the problems of sports wagering at your campuses.

At this time, I am going to turn it over to Brady Barke. He is going to talk with you about some of the responses that the student-athletes provided.

Brady Barke (Webster University): Thank you, Deana.

I am a former Division III student-athlete from Webster University. I am going to share a condensed version of the survey results because I know everyone is drawing near the end of the Convention and would like to get home as soon as possible.

When they first asked me to serve on this task force, I was a little uncertain as to why they had asked me. Then I saw the results. I am a former basketball player and golfer. Division III male golfers appear to gamble more frequently than anyone else. So I realized that probably was a reason why I was asked.

As you can see, the proportion of Division III male student-athletes who participate in any gambling behavior, which includes bingo, lottery tickets, casino gambling, pools, et cetera, was 76.3 percent. That was the highest percentage from any division. In addition, 51.2 percent of the females in Division III was the highest from any division. Of the proportion of student-athletes who reported gambling on collegiate sports, again Division III males were the highest at 24.4 percent, while Division III females were right around the average of 5.3 percent. They were actually the minimum of all divisions, but still very near the overall average.

The proportion of student-athletes who reported wagering on any sporting event, which includes college and pro sports, again Division III males reported the highest, over 40 percent, and Division III females were about at the overall average at 9.7 percent.

When asked the top three reasons why student-athletes wager, 92.8 percent of Division III males report that they wager for fun, while over 50 and nearly 60 percent of these males say they do it either to win money or just for excitement or the pure thrill of gambling.

When you look at the Division III females, again 95.8 percent say that they do it for fun, while over 50 percent of them do it to win money, or either for excitement or the thrill. Again, these statistics for individual sports will be in the presentation that will be available to you at a later date.

Just to speed things up, I am not going to go into each one of the individual sports. When asked about the number of student-athletes who reported participating in a football pool or betting with a bookie, approximately 5.4 percent say they do it at least once a week. Approximately six percent say that they did it on a monthly basis. The proportions for females are rather low, at under one percent. But when you look at it for less than once a month, 16.9 percent of Division III males report participating in a football pool or using a bookie, and over 25 percent of males overall report using a bookie or participating in a football pool. A total of 20,300 male student-athletes report using a bookie or participating in a football pool. It is 3,350 females. They are very startling numbers.

When asked if these student-athletes know the rules that the NCAA has regarding gambling, 60.2 percent of Division III males report that they either don't know or are unsure of

the rules, and nearly 60 percent of females report the same thing.

Therefore, it is pretty evident why there is such a high incidence in males and females when asked if NCAA rules have discouraged sports gambling. Obviously, if they are uncertain or do not know the rules, it is not going to discourage their gambling habits.

That's a brief synopsis of the survey results. I am going to hand it over to Doug to wrap things up and conclude this portion of the presentation. Thanks.

Doug Hastat (University of Wisconsin, La Crosse): Deana very carefully explained the NCAA bylaws regarding wagering and discussed the sanctions. Brady talked about the survey and the results, which indicated there clearly are incidents of sports wagering in Division III.

My role is to talk about going forward and why we should go forward. In addition to simply looking at the gambling behavior of student-athletes, we also look at associated risk patterns. Not surprisingly, student-athletes who were involved in wagering displayed other behavior risk, which of course causes us to be reminded of why we are doing this and that is the student-athlete health and well being.

You can take a look on the screen at the behaviors that are also associated with gambling. I am going to move through these slides very quickly because of time, but the full slide show will be available on the Web. We are doing this, quite frankly, because we are concerned about the health and welfare of our student-athletes, and also because of the fact that there are some reported cases that are already in front of the NCAA. In fact, the NCAA staff received three reported cases in 2003 and one allegation in 2004. Three of the cases in 2003 involved violation of coaches or athletics department staff members with regards to Fantasy Leagues or March Madness pools. In the case of the 2004 incident, it involved seven male student-athletes who placed wagers on college and professional sports through a campus bookie. This is being investigated in an ongoing manner. How do we deal with sports wagering on Division III campuses?

The Sports Wagering Task Force marked the beginning of what many of us have called a marathon, not a sprint. President Myles Brand, in response to the 2003 study, brought together a task force of 27 members. That included representatives from literally all divisions and other associations. The task force was divided into three subcommittees. One was awareness, education and treatment. One was compliance and policy, and a third, law enforcement and coalition building. The issues will primarily be addressed through the process of education.

In the future, you can expect to see a best practices document. There is a rough draft that is currently available. I have reviewed it a couple of times, and I think it will be very useful to members of every Division III institution. It includes recommendations for athletics departments on how they can attack the problem on their campus. In addition, we can remind everyone that half of Division III athletes don't know the rules. In our annual meetings with athletes, athletics directors can bring that to their attention.

Other things that specifically will be for Division III include videos, curriculum material, seminars, interactive technology and promotional items. We will continue to focus on presentations at all Division III championships and conference championships. Other educational initiatives will be introduced at championship activities. We have got the "Don't Bet On It" blue wristband, which will continue to be available and hopefully serve as a reminder to all of us that sports wagering is an issue, perhaps more so in Division III. You also can host a National Sports Wagering Awareness Day in conjunction with the American Football Coaches Association, the National Association of Basketball Coaches, and the Women's Basketball Coaches Association. In addition, participants in NCAA championships will receive a "Don't Bet On It" booklet, and information about the NCAA's sports-wagering study.

In conclusion, this past year has been marked by not only learning more about the bylaws and sanctions, but also by becoming aware of the fact that NCAA Division III stu-

dent-athletes do participate in sports wagering. It is a serious issue. It is one that we will attend to. Be assured that the task force will continue to provide the kind of materials that will be useful to each and every one of you. At this time, we would be happy to entertain any questions, comments or bits of advice that you would like to offer knowing full well that we are somewhat strapped for time.

Seeing none, I would like to thank all of you for your attentiveness and encourage each and every one of you to pay attention to materials that cross your desk that talk about sports wagering. Thank you.

MEMBERSHIP EDUCATION PRESENTATION

Mr. Stone: Thank you, members of the task force. We look forward to hearing more from you. I think we are startled by the numbers we are seeing. We need an immediate response on our campuses and our conferences about sports wagering.

The next presentation is from the membership education group. There is a very good article on this topic in the Convention edition of The NCAA News. If you have not seen that, I recommend that you take a look at it.

In the past few days, our Membership Committee and the Association of Division III Athletics Administrators have given this issue a lot of attention. The task force that will present includes Tim Downes, director of athletics at Franklin & Marshall College; Chris Martin, commissioner, College Conference of Illinois and Wisconsin; and Cathie Schweitzer, director of athletics, Springfield College.

Tim Downes (Franklin & Marshall College): Good morning. Thanks for your indulgence over the next few minutes. I'm the director of athletics at Franklin & Marshall College and chair of the NCAA Division III Membership Committee. With the help of Cathie Schweitzer, director of athletics at Springfield College, and Chris Martin, commissioner of the College Conference of Illinois and Wisconsin, we have the pleasure of introducing you to a group of strategic initiatives designed to enhance active member education and communication. You will be able to follow along with the PowerPoint slides on each side of me, and also with the handouts on your table.

The aim of the annual education and communication program is to raise the level of awareness with Division III issues and improve the quality of compliance efforts in Division III with a comprehensive group of education and communication initiatives that will ensure that the Division III membership has the knowledge and information to assist with the governance and management of a Division III intercollegiate athletics program. The focus on active member education is the result of the Membership Committee's completion of the provisional member education package and a subsequent understanding of the need to enhance and coordinate existing education and communication programs under one umbrella while pursuing new and creative ways to deliver information to the membership.

The five different components of the annual program is broken down into: 1.) Delivery of Division III governance and NCAA general information; 2.) Compliance and professional development; 3.) Council initiatives; 4.) The institutional self-study guide; and 5.) Division III and Association-wide programs and initiatives.

The first component, delivery of Division III governance and NCAA general information, features a multifaceted approach to include CD-ROM distribution, governance visits, focus groups, newsletter and calendars, SAAC programs, and NCAA Convention initiatives. As a pilot, the NCAA distributed to each Division III athletics director and conference commissioner last August a "Get in the Game" CD-ROM that provided information to assist in the orientation of your student-athletes to the NCAA and NCAA rules and regulations. Based on the overwhelmingly positive feedback, this pilot will be expanded to include updated material in the same CD-ROM form that can be used at your disposal to assist in providing con-

sistent information for CEO orientation to the NCAA, defining the role of the FAR and the SWA, and enhancing the role of the campus Student-Athlete Advisory Committee.

Understanding the value of face-to-face visits with members of the NCAA governance structure, the Management Council initiated through each conference commissioner the opportunity to have a counsel or NCAA staff representative at a conference meeting to discuss governance updates, the Division III budget, championship issues, strategic plan and Division III initiatives. This past year, counsel and staff made 54 visits to conference meetings. The creation of Virtual Focus Groups this past year is an effort also initiated by the Management Council to gather feedback from a representative sampling of the membership.

After each Management and Presidents Council meeting, e-mail communications were sent to groups consisting of a CEO, AD, FAR, SWA, two coaches and a student-athlete at each Division III conference and the Division III independents. All commentary from these communications on the future of Division III and governance updates has been compiled by the NCAA staff and distributed back to the Management Council for discussion. While the Division III newsletter is not a new form of communication, it remains one of the most popular and certainly has seen a recent evolution. The quarterly mailing can now be accessed through the NCAA Web site, and in addition to the general governance updates, committee reports, news on Association-wide issues, updates on Division III initiatives, and championships, we have added a compliance corner that highlights the relevant compliance issues to be aware of at different points of the year.

The Division III Student-Athlete Advisory Committee conference and Independents Partner Program aims to enhance communication between student-athletes from the national SAAC and the conference representatives. Under the current conference partner program, there are 24 student-athletes serving 43 conferences and 23 independents. Their communications are facilitated by e-mail correspondence, in-person meetings and the Student-Athlete Regional Leadership Conference.

The Division III annual calendar is an effort to keep the membership updated on all the happenings within the NCAA, with a comprehensive calendar of activities, including Association-wide and Division III committee meetings, Division III initiative application deadlines and start dates, championship dates, and NCAA and affiliate organization event dates and locations. It is distributed to the membership in three ways: mailed in August, attached to the September newsletter, and posted on the NCAA Web site at the address shown on the slide. The NCAA Convention has long been our annual opportunity to share information with the membership and a means to make certain we are reaching all those on college campuses who are most involved with the operation of the athletics program. A proposed initiative would set aside funding to support attendance of CEOs and chief student affairs officers at the Convention.

Moving on to the second component of the program, Compliance and Professional Development, it is again the NCAA Convention that provides us with a chance to better understand the world of NCAA regulations and take advantage of the wealth of knowledge in this room on how to best operate a Division III athletics program. Grant opportunities for FARs, CEOs, student affairs officers and conference administrators help get the key players here. While you are here, there are numerous opportunities to take part in any of these professional development forums—Division III rules education and round-table format, Association-wide education sessions, National Association of Division III Athletic Administrators-sponsored professional development, diversity workshops, job fairs, and networking in social sessions. The reference to the NADA3AA is not insignificant.

It is my pleasure to now ask Cathie Schweitzer, director of athletics at Springfield College and president of the National Association of Division III Athletic Administrators, to discuss an exciting and first-ever coordination of efforts by the NCAA and the NAD3AA to provide professionally developed programming to our respective memberships.

Cathie Schweitzer (Springfield College): Thank you, Tim. As president, I am very delighted to have the opportunity to reveal a partnership initiative between the NCAA directors, the NCAA regional seminar staff and the executive committee of the National Association of Division III Athletic Administrators, also known as NAD3AA.

The initiative is an NAD3AA inaugural convention proposal for the spring of 2006. In essence, it is a mini-Division III conference. The beauty of this proposal is that it will be offered in conjunction with the NCAA regional seminar, thus meeting our long-term goal of increasing athletic administrators' professional development and rules education. It is a very exciting project. We see this as an outreach to meet the needs of the membership in terms of their requests for additional, affordable and timely educational and professional development opportunities for athletics staff. In other words, it's an outreach to a larger constituency of Division III athletic administrators and a second opportunity for professional development. This will afford us the opportunity to utilize the process that the NCAA already has in place for the rules seminar. In terms of securing a location, handling registration and maximizing the Division III grant opportunities to attend the rules seminar, yes, there is money out there.

The goal is to link the NCAA compliance education as a component to other programming for athletics administrators in Division III. This annual meeting will be in addition to the NAD3AA programming, which took place this past Saturday, and the social that will take place this afternoon at the NCAA annual Convention. For further information, please contact me at Springfield College, or Dick Rasmussen, the conference commissioner for the UAA, and the executive officer for NAD3AA.

If I may take this time to just make one announcement. The NAC3AA reception for this afternoon has been moved up to 1:30. Please join us for light hors d'oeuvres following the luncheon, and some spirits.

It is my pleasure now to turn the microphone over to Chris Martin, the commissioner for the College Conference of Illinois and Wisconsin.

Chris Martin (College Conference of Illinois and Wisconsin): Thanks, Cathie, and thanks also to the NAD3AA for its support of this program.

I am going to walk you through the next couple of slides, which will cover various areas. The first is the compliance issues for the NCAA regional seminar, which will be conducted at two sites this year during May in San Francisco and June in Orlando. As Cathie said, the June session will be in conjunction with the NAD3AA convention, so we hope that will provide a better opportunity for folks to attend this worthwhile seminar.

As you can see on the next slide, some of the topics that have been presented at the regional seminar the past couple of years include compliance issues and the annual Division III rules test, which is modeled after the Division I and Division II coaches certification test, that provides a tool for your coaches and staff to have a greater understanding of Division III rules. This test is updated each year based upon new adopted legislation. Also, in the area of compliance issues, the membership services conference contact program provides one dedicated staff member to work with your conference's group of schools on interpretive issues. I want to point out on the slide the institutional phone line for those individuals who call the NCAA for rules assistance. Please take advantage of that line. There is top-secret information about getting in the front of the line, and it provides greater accessibility to NCAA staff members on rules questions.

Now, we're shifting gears a little and moving into a new area this year in communication initiatives on the Division III commissioners' monthly update. This was designed to increase communication in the conference offices and the national office, and also to provide conference offices some best-practices approaches on various topic areas. Speaking as a commissioner, it has been a very helpful tool, and it is provided to us in a very easy format for us to share with our conference members.

Now, we're shifting gears a little to the institutional self-study guide, which is an obligation of the membership, something that was mentioned yesterday during our Division III forum. It is something that you need to complete every five years. The important point to note there on the next slide, in 2005-06, we will have a checklist to help you complete the institutional self-study guide.

The next topic area is Division III and Association-wide programs and initiatives. I am going to briefly highlight each of these, because there is greater detail in the yellow handout that you received on your chair this morning. This provides additional detail and contact and cost information about each of these programs that I am going to mention. I am going to briefly touch on each of these just to highlight some of the key areas contained in that document. For greater detail, I refer you to this yellow document. Specifically, starting in the education outreach area, the CHAMPS/Life Skills Program, the Choices Alcohol Education Grant and the Division III Student-Athlete Regional Leadership Conference. I want to point out the last point. The Student-Athlete Regional Leadership Conference had an opportunity this fall for an outstanding experience for not only student-athletes but for your administrators. Pay particular attention to that part of our program. Also, sticking with the Association-wide programs and initiatives, the National Student-Athlete Leadership Conference, the Health and Speakers Grant Program, which is a campus and conference-based program, and the NCAA-sponsored gender-equity issues format. I was going to wear my beads and my decorative mask that I received the other day, but my conference members strongly suggested that I not do that. But that does highlight the fact that in 2005 it will be conducted in New Orleans.

Now, let's move into the area of professional development—the Association-wide programs and initiatives, specifically the NCAA Coaches Academy and various campus and conference-based diversity training events and programs. Again, for more detail, I refer you to the yellow document that you have. It provides additional detail on each of these areas.

Now, moving into Division III specific program areas, the Division III Strategic Alliance Matching Grant Program, the Division III Ethnic Minority and Women's Internship Grant Program, and the Division III Initiative Grants. These are all primarily campus- and conference-based grant programs that are available through what used to be the Initiatives Task Force and the governance structure in Division III. Sticking with the Association-wide programs and Initiatives—the Leadership Institute for Ethnic Males and Females, the NCAA Leadership Development Program, and finally, the Women's Coaches Academy and the Division III Senior Women Administrators Enhancement Grant, and the NAD3AA Institute for Administrative Advancement.

I again encourage you, if you have specific questions, there is contact information in the yellow document that you have. We will be happy to entertain any general questions at this time. Seeing none, I thank you for your time on behalf of the Membership Committee.

FINANCIAL AID REPORTING

Mr. Stone: Thank you. We very much appreciate what the committee is doing and your collaborative work with athletics administrators.

The next reporting group will be on financial aid reporting. I think you will find this of significant interest because it follows our legislative changes last year. As you know, the prohibition of athletics aid is a fundamental value in our Division III philosophy. At last year's Convention, we adopted legislation to directly support that principle by establishing an annual electronic reporting process regarding financial aid awarded to freshmen and transfer students. The goal is to ensure compliance with the existing requirement that aid awarded to student-athletes be comparable to the aid of other similarly situated students. The proposal has delayed the effective date until August of 2006. One of the main reasons for the

delayed effective date was to provide the Financial Aid and Awards Committee an opportunity to conduct a division-wide pilot of the new reporting process.

The pilot had several goals. One was to allow the committee to test and fine tune the reporting process to make sure that it worked efficiently. Second, it would provide data to help the committee recommend an acceptable variance. The report comes in that shows you are out of kilter by one-tenth of one percent. Is that enough variance? Thirty percent? Is that enough variance? We will talk more about that. But try to determine what is an appropriate variance. And third, to ensure when the reporting process goes out next year, that we are all required to do it. A significant number of schools already would be fully prepared to meet the requirements, thereby reducing the burden on the committee and the membership and the staff to have it all happen at one time.

Here to update us on behalf of the committee are Eric Hartung, who reported to us at the forum yesterday. He is the associate director of research at the NCAA. Travis Feezell is the director of athletics at Whitman College, and Dan Preston is dean of enrollment management at Linfield College. I will ask them to come forward and present at this time.

Dan Preston (Linfield College): Good morning. This is the first NCAA Convention in my life, so please excuse me if I am a little nervous.

We are going to try to accomplish a couple of things today. One, we would like you to meet the existing Financial Aid and Awards Committee. We are going to talk about the division-wide pilot that 257 schools participated in and had over 150,000 individual student records. It was a pretty significant first year for Eric and others on the NCAA staff.

We want to report about some decisions regarding where we are going from here. We have findings and conclusions to share. We are going to talk about the review process so that you understand what is going to occur. Finally, we will open it up for questions and answers.

It is my privilege to introduce the committee. The committee chair is Phil Creighton, president of Pacific University. Phil is unable to be here today, so he asked me to be acting chair on his behalf. The committee also includes Pat Blodgett from Keene State University; Laurie Coulter from nearby Austin College; Travis Feezell from Whitman College; and Garnett Purnell from Wittenberg University. Other committee members unable to be here today include Paul Boyer from Williams College, Marian Conrad from Kalamazoo College, David Hildebrandt from Newberry College, Branwen Smith-King from Tufts University, and Craven Williams from Greensboro College.

I would like to turn the podium over to Eric Hartung, who will walk you through a series of decisions made by this committee. Thank you.

Eric Hartung (NCAA Staff): Good morning, and thanks so much for sticking around this long. We have got a tremendous amount of information to share. I hope that it is enlightening and informative.

I'll start with a review of the 2004 division-wide pilot. Before the pilot in 2003, we actually conducted a pre-pilot of 19 institutions to begin to develop the process by which we conducted this pilot. We used this information to put together the process for this coming year. The division-wide pilot was conducted June 15 through November 1, and there were a number of changes that were initiated for this pilot. For example, going from the pre-pilot to this pilot, there was information that was not requested such as student demographics, high-school academic performance and other detailed information. The primary reason that this was removed from the request basically had to do with the inability to collect this information in a standardized way across all institutions. That would be the only way to make this work. We need to be able to collect standardized information across all institutions.

The institutional data file was submitted through e-mails, CD-ROM or the financial aid data management system. Once you uploaded to the system, you could download a preliminary report. We test the availability, relevance and impact of the data items. We also need to assess the data submission process, keeping in mind that we must hold true to Bylaw

15.1.1, which requires consistent financial aid packaging.

It is important to note that this is a second step in a larger process that will take us to the full implementation in 2005. The methodology of this pilot is open to all Division III institutions, including the provisionals. There was a one-time honorarium offered for participation. The data were uploaded to the financial aid data management system. An automatic preliminary report was generated, and then a final report was available shortly after final submission. We did not have a final review process in place because this was a pilot. There was still so much to learn to be able to put together the full parameters of the full review process. Summary findings, as was already mentioned, included 227 institutions and collection of more than 157,000 records.

The proportion of student-athletes at 17 percent to non-student-athletes was at 83 percent. The sample clearly is representative of the Division III membership. We took a very careful look at the demographics represented by these 227, and they are clearly representative of the larger Division III membership. There was consistent availability of most standardized data items. As we go on, I will go through a series of recommendations. We have begun to fine-tune the process even further in terms of the data item requests. We confirmed that our data management system was effective for the file submission and report generation.

Let me take you through a series of committee recommendations. These are recommendations that were put forth by the Division III Financial Aid and Awards Committee. This weekend, they were reviewed and approved by the Division III Management Council and the Presidents Council. The first recommendation dealt with financial need and gift aid combinations. We needed to ensure that the reporting of financial aid back to the institutions accounts for cases of zero need and zero gift aid and finally, the greater than zero need and greater than zero gift aid. You may be saying this sounds like a lot of specificity. It sounds like a lot is there. The key is that all four of these combinations play a major role in the determination of the variance that we are going to get to in just a few moments. We need to make sure that we are counting properly for all of these in our statistical models that we use to estimate this variance as well as in the reporting.

The second recommendation was to include the frequency of non-filers in the institution's local report. This is a group that we must pay careful attention to. The institution report format was carefully looked at. It was confirmed that the report that was distributed with the pilot was not nearly comprehensive enough, and we have upgraded that report significantly. It has increased in size, but the financial aid community tells us this is the type of information that they need in order to assess their compliance with the bylaw. We have adjusted the request on two data items, the first being the total financial aid award. This time, we asked the school to provide what the total award was. It is basically the addition of gift aid plus loans, plus work study award. We have actually eliminated the request for the state element. Once again, it is an element that is extremely difficult to capture in a standardized fashion across all institutions. For the work study variable, we have separated out work study into federal work study and/or campus employment. We will be asking you a simple yes or no question to be able to report that as well.

The final committee recommendation deals with acceptable variance. This is where the rubber hits the road. This is what everyone wants to know about it. Let me take you through this more slowly than I have just done with the other recommendations, because it is very important that we are as clear as possible on this point.

The committee recommendation was to use a statistical Model No. 3 of the three models considered. The statistical models can be defined as the varying definitions of gift aid, meaning these are discretionary funds. Model No. 1 was a total gift aid, meaning a combination of institutional, federal, private and outside. Model No. 2 is the sum of institutional and state gift aid. Model 3 isolated the institutional gift aid only. This would be the the discretionary

funds on behalf of the institution. The committee's recommendation was to use Model No. 3. Gift aid is defined as institutional gift aid only to calculate and estimate a variance between student-athletes and other students using this definition. The model will account for records where no gift aid is awarded.

For acceptable variance, a balance was struck between accuracy of identifying cases of unacceptable variance and assessing the workload generated by the review process. This is a very important point. As you all know, there comes a point when all the information is on the table, and a group must sit down and go through their own experience and wisdom and be able to make a decision. That is what we were able to do for the Financial Aid and Awards Committee in its meeting a month ago. We needed to strike this balance between the positive identification of an unacceptable variance, but we also needed to carefully assess the workload that would be generated by any review process. The choice ultimately is based on a balance between your philosophical base, your accuracy and the effect.

The philosophical base basically asks where from a practitioner and policy-maker perspective with this definition of gift aid do you align yourself? In terms of accuracy, which model provides the best means to identify significant variance? What we mean is significance in terms of statistical considerations as well as face validity. Finally, the effect. Which model results in a reasonable and justifiable burden on the institutions, the committee and the national office staff? Let me give you an example. Through the data that we have been able to collect and will be collecting, you would be able to make a statement such as this student-athletes can expect \$3,312 more of institutional gift aid on average than other students with similar financial need at this institution.

This begins to strike at a very, very important point. This statistical model accounts for the financial need of the individual students. It is in effect comparing gift aid packages of student-athletes and non-athletes with similar need. It is not taken, for example, on the average gift aid of student-athletes and the average gift aid of non-student-athletes and doing a comparison. That would be irresponsible. This model gives us a tremendous amount of precision and will allow us to accurately estimate the variance.

Let me show you a couple of charts now. I will take a little more time here to help you understand them. The first thing I will do is show you a private institution with a statistical significant variance. This is literally a raw plot of the data from an actual institution. The small black pluses are other students and the red dots are student-athletes. The solid line going from the bottom left on an upward slope is the regression line. You then see the interval boundaries. The upper and the lower are above and below that regression line. There are a couple of striking things here as you begin to look at this. With gift aid on the vertical axis and financial need going along the horizontal axis, this literally shows each individual student-athlete and non-athlete. What is their need? What is their institutional gift aid? You put it on a plot. Immediately, one's eye would tend to go to what we would call outliers. Outliers are those points in this case that fall above that dashed green line. It can be the case that it is the presence of these types of outliers that would trigger a positive variance.

You also see a large number stacked up along the vertical axis. This would be the case of individuals with no need for receiving gift aid. You also see individuals sitting on the horizontal axis. These are individuals with need who do not receive institutional gift aid. They may very well be receiving gift aid from other sources. Again, we are focusing solely on institutional gift aid, the discretionary funds in the hands of the institution. With our model, we can then begin to estimate the variance between these two groups, once again comparing individuals of similar need. This plot here is the result of that. What you see is the variance estimate for this group is roughly about \$3,000, so what you could say is, as we said in the statement before, on the average, student-athletes at this institution can expect to receive \$3,000 more than other students of similar need. This is the kind of plot that we can produce for each and every institution that submits data.

Let me show you the plot of a public institution and how it may look once we have collected the data. It's a very different story. You see a large number of red dots and pluses along that horizontal axis. What you have here are individuals with demonstrated need, but who are not receiving institutional gift aid. There are a number of reasons why they may not be receiving institutional gift aid. What you also begin to see here are stratifications of gift aid. You can already begin to imagine this is a public institution where there may be, for example, set grant packages of \$1,000 or \$2,000; and you see some of these stratifications. The point, though, is that there still are some outliers. These outliers may very well in this case be what are triggering a positive variance for this institution. If we now plot the estimate, yes, it goes in a negative direction. Yes, it actually dips below zero. But what you still see is the separation between the two lines. You still see the student-athletes at least with a certain number of them above zero. That's what triggers this variance. To help highlight these two situations and put them in a bit better context, let me show you an institution with a variance estimate of approximately zero. Now, this is again a raw plot of data. Again, just simply looking at this data for a private institution, what you already can think about here is that this is probably an institution that awards some type of non-need-based aid, because this is why you see this variation, this scatter in the plot. If this institution had a policy of only need-based institutional aid, you would see a large grouping of these data points in a 45-degree line starting from the bottom left projecting out toward the upper right of the chart. What we see here is an institution. You see plenty of people with zero need who are receiving money. Very few, if any, I would say, do not receive any kind of institutional gift aid.

Now, let's look at the plot of the variance estimate. The lines sit exactly on top of each other. This is an example of a very close to zero variance estimate. This is the committee recommendation on the assessment of acceptable variance. Now that we know how to plot this, we know what this is going to look like. Now that we feel confident that we have the right statistical model in place and are producing the variance estimates, the committee has decided on the recommendation called the lower confidence bound of the variance estimate of average financial need of student-athletes when estimates statistically significant to determine the primary filter. The primary filter is also considered the acceptable variance.

Let me go to the next slide. I will explain exactly how we got here. This may take you back to Stats 101 for a couple of moments, but bear with me. Whenever there is an estimate, in this case a variance estimate, there is an upper and lower confidence boundary around that number. If you think of a survey or a poll that you see on television, it always says plus or minus a certain number. That's what we are getting at here. There is always a confidence interval around any estimate. We need to be very aware of this. This is how we maintain our scientific defensibility in this case. So, the varied estimate for this school, and this is actually the exact school that you saw in that private institution plot, there is a variance estimate of \$3,312 on average. We then have a lower estimate of \$2,328, and an upper estimate of \$4,297.

The committee recommended use of the lower variance estimate as its marker to begin to set what is an acceptable variance. This is clearly the most conservative path to take. That is why the committee decided to do this. What you see in the fourth column, average financial need of student-athletes, \$17,448, results in a lower variance estimate proportion of 13.34. What we have done here, the statistical model already is an institutional-based model. It is something that is looking specifically at an individual institution. What we have done here, we have localized that dollar amount by creating a proportion. That 13.34 percent is simply \$2,328 divided by \$17,448. Then what we have here is our lower variance estimate proportion, and it is that percentage that we then use, the committee then used to come up with its recommendation for what is an acceptable variance. Here is the alternate outcome. Rather than using the \$3,312 number, we can use the proportion number as well

in the same type of a statement. This is the outcome. Student-athletes can expect 13.34 percent more of institutional gift aid on average than other students with similar need at this institution. This is the kind of precision that we can have for each and every institution. Now, what we have done, the committee took a look at this very carefully, and what we were able to do was to take various thresholds and test them against the data that we had, the outcomes that we had. The committee recommendation is for a primary filter of four percent. The committee firmly believes that this strikes an acceptable balance between accuracy and effect. So, let me share with you a bit here on how we arrived at that four percent.

There were 227 institutions in the pot. We run our model. We come up with this variance proportion for each institution. We then set various thresholds to take a look at the effect of our model. There were 67 or 30 percent of the 227 that resulted in a statistically significant variance estimate. What that means is that that lower boundary that I spoke about sits above the zero mark. Keep in mind it is exactly that. It could be above that zero mark by \$5. It could be above that zero mark by \$3,000. The point is that it is statistically significant and it is from there that we started our decision-making process as to what an acceptable threshold would be. As you see, it goes up to one percent, two percent, on up. And then we looked at the effect of each one of these thresholds, carefully looking at the makeup of the schools that sat above these various lines. When we get to four percent, the committee felt that it strikes a balance between accurately identifying the variance as well as a manageable workload for the committee in its review process.

I would like to take a moment just to talk about this 13 percent or these 30 institutions. What I can tell you is this, that they do represent a cross section of the Division III membership in terms of their demographics. There were large schools and small schools, public and private in this pool, where there is a statistically significant variance estimate above four percent. This is just a simple distribution of each one of those variance proportions to give you an idea of how the full 227 played out. What you see here is the red line that is closest to the center of the chart is actually sitting right at the zero mark. What we have here is approximately 50 percent of this sample falls between the negative 5 and positive 5 of the proportion, with 75 percent of the institutions between negative 10 and positive 10. So, you can see right away where things are intending to go. But if you look at the tails of the curve, there, once again, institution-wise, and here are your outliers. The red line just to the right of that center is the four-percent mark. So, you can see graphically which institutions will be going to the next level of review.

Now, with all of that science in hand, as I had said before, the decision-making process does not go in there. All that threshold does is trigger further review by the Financial Aid and Awards Committee. As I said before, there is a point where the science ends and expertise and knowledge comes into play, and this is the point. Even looking at those 30 institutions that are above the four-percent threshold, we still must be very, very cognizant of the statistical considerations involved here. Sample size, for example, of one of the institutions that triggered a variance above four percent, had an incoming class of nearly 1,700 students, but had just 19 student-athletes. That is a situation that we need to pay careful attention to. That is where we get to the proportion of student-athletes in the incoming class. We need the additional filters that may be used. Gift data is a proportion of cost of attendance. As for packaging methodology of the institution, we have in hand the proportionality test, which is already written into our bylaw, which is the proportion of student-athletes of the entering class compared to the proportion of the total institutional gift aid awarded to the student-athletes. That is another tool that we have in hand.

The financial need for ACADA assessment. If any of you saw the preliminary reports or the financial reports that went out with the pilot, we created \$5,000 brackets of need and one looks at differences across the two groups that way as well. A sport-by-sport breakdown is included in each and every report, and is something that the committee will use as well

as in terms of its filtering process. Then we do have the historical review as well. We will be accumulating data over time and, therefore, will be able to tap into a historical review as well.

I am going to turn it over to Travis Feezell to talk about the reporting process.

Travis Feezell (Whitman College): Thank you, Eric. Good afternoon. The statistics are sexy, but the formal review process may, in fact, be a bit sexier. So here goes. The next few slides will take you through that formal review process.

As an important aside, the committee will be working with the pilot participants through this formal review process over the next few months. The chart you see in front of you puts the review process in total, but probably a best explanation will need to break this down part by part by part. Let's take you to the first part. First, institutions will submit data to the financial aid data management system, and the time frame for the upload is July 1 through September 30. As you might recall in the pilot, the time frame was June 15 through November 1, but in order to streamline the process and in consultation with the financial aid professionals on the committee and around the country, it was agreed that we would need to shorten that time frame in order to get the appropriate response from the committee to the participating institutions. So following the final data submission, institutions will receive a preliminary report. This report will serve two functions. First, the report will notify institutions that the data has, in fact, been accepted. Second, the report will allow institutions to take a first look at the data that they have submitted in a detailed final form. After those reports have been submitted, the committee will then begin its formal review process. The initial review will be completed by both the NCAA staff and the Financial Aid and Awards Committee between October 1 and December 1.

If the variance is acceptable, there will be no further review and the final report will be sent to the CEO and the financial aid director no later than December 31. However, each institution with a statistically significant variance will receive notice of that bias in the final report. In some cases, the variance may be acceptable because of those institutional circumstances that Eric mentioned, perhaps something like a small sample size, or perhaps an insignificant dollar amount in the difference of financial packages between student-athletes and non-student-athletes. If, though, the variance is not acceptable as determined by the committee, particularly in relation to that four-percent threshold, the institution will receive the final report in addition to a notice of bias as well as a notice of requirement to address that bias in justification due to the committee by February 1.

At its March meeting, the committee will then review those justifications. At that time, if the committee finds that the justification is acceptable, no further review will be needed, and the institution will be notified to that state of affairs. However, if the justification is not acceptable, the report will then be sent to the NCAA enforcement services staff for further review. The NCAA enforcement services staff will handle cases if the committee concludes that an institution is not in compliance with Bylaw 15.4.1. Note that Bylaw 15.4.1 is not new and that it addresses standards of financial aid administration among NCAA Division III institutions. Since Bylaw 15.1.1 addresses the principle of competitive equity, the violations of the bylaw are appropriately dealt with by the enforcement services staff and the Committee on Infractions. Whether the violations of 15.4.1 are considered secondary or major really depends upon the circumstances surrounding the violation. For instance, if the violation is considered inadvertent or isolated, provides or is intended to provide no more than a minimal recruiting or competitive advantage, and if it does not include a significant extra benefit, it will be considered secondary, and the enforcement staff will impose an appropriate penalty based on those circumstances to the institution. However, if the violation is intentional and not isolated, or if it provides or is intended to provide more than a minimal recruiting or competitive advantage, or if it involves a significant extra benefit, the violation will be considered major.

After a hearing, the Committee on Infractions will impose an appropriate penalty based on the advantage that the institution may have gained. The legislative amendment—failure to submit the annual report per Bylaw 15.4.1.1—however is somewhat different than the process he just outlined. This bylaw does not address recruiting or competitive equity, but instead is more akin to that phrase that you have been hearing, that is, it is more akin to an obligation of membership for Division III institutions. Some bylaws of this nature include legislative penalties contained in the bylaw itself to deal with instances of noncompliance. The best example, perhaps, is the admission and graduation rate disclosure requirement contained in Bylaw 30.1. The completion and submission of this information is required for an institution's team or individuals to participate and to be eligible in NCAA championships. If that information is not submitted in a timely fashion, that institution is not eligible to compete in any championships. This penalty is not an enforcement issue. In fact, it is not subject to review by the Committee on Infractions at all. With this analogy at hand, the Presidents Council recently agreed to adopt noncontroversial legislation to amend Bylaw 15.4.1.1 to specify that an institution's failure to submit the annual report by the due date will result in a loss of eligibility for championships and grant programs. As noted on the slide before you, institutions that repeatedly fail to submit the report will be directed to the Membership Committee, which will then determine whether the institution should be moved to a restricted membership status.

To review the process time line, institutions will submit data between July 1 and September 30. Between October 1 and December 1, the NCAA staff and Financial Aid and Awards Committee will do an initial review of the institutional data. In December, the committee will meet to review whether the justifications from that data are necessary. On December 31, final reports, the communication back to the membership and request for justification will be sent on or before December 31. Justifications then for those institutions that are required to do so will be submitted on or before February 1. Finally, in March, the Financial Aid and Awards Committee will meet to review the justifications as well as to review the threshold and the data that had come out from the previous year. The communication of final reports: each institution will receive with a statistically significant variance notice of that bias. Those reports again will be mailed by December 31, and then a memorandum will be mailed to those institutions that are required to submit justifications.

Finally, the committee will continue its efforts to educate the membership on issues surrounding these and other financial aid issues. First, the committee will explore educational opportunities via an enhanced Web page on the NCAA Web site. Second, the committee will look to establish a best-practices document that the membership could utilize; and third, the committee will continue to emphasize communication with not only the membership but also with institutional researchers and financial aid administrators.

Lastly, as a relative newcomer to the committee, I would like to recognize and applaud the efforts of those who have been a part of this project, particularly the NCAA staff, and most in particular Eric Hartung, who has often distilled abstract information and made it both approachable and accessible. Also, I would like to recognize the financial aid administrators on this committee. Without their efforts, this project would not have been seen through to fruition. Their efforts and their passion for Division III have been both laudable and greatly appreciated. On behalf of the membership, I thank those people and thank you for listening to me. (Applause)

Dan Preston (Linfield College): For the '04-'05 academic year, all Division III institutions will be reporting about the financial aid awards to their new students, freshmen and transfers. This is the culmination of about four years of work of a task force and of a Financial Aid and Awards Committee. So we are ready to go, but we also would like right now to answer any questions that you have about any of the information we have just shared. It has been four years for some of us on this committee, and Eric distilled that down to 15

minutes. So we understand that you may have a question or two. The floor is now open for any questions about this process.

Edward Hegmann (Mary Washington College): I admittedly don't understand all these statistical variances and all the stuff that you went through. In all due respect to all that you did, I understand dollars and cents.

If I understood you correctly, you said that you could expect a \$3,000 difference between what is awarded to a student-athlete versus what is awarded to a general student population. Is that correct?

Mr. Preston: That was about that school in particular that submitted as part of the pilot. With that school, after analyzing the information about all of the awards, the projection or the estimate was that student-athletes could expect more money to the tune of \$3,000, yes.

Mr. Hegmann: If we are a Division III institution that is not supposed to award financial aid based on athletic ability, what could an institution attribute that \$3,000 difference to?

Mr. Preston: There are a number of things. For example, I don't know if it is the same school, but if it was, the school has 1,700 entering students and 19 new student-athletes, the sample size could be a possibility. Academic factors could be a possibility. Differences in awarding philosophies of those schools could be a possibility that is unrelated to whether the student is an athlete or not. Those are all possibilities that would trigger, and the school would need to justify, in the review process the reason for the differences. Schools may experience differences in their awarding between student-athletes and others. The legislation in Bylaw 15.4.1 says that those reasons cannot be related to athletic participation. That is really what the attempt will be to find out from the school if there is a variance between awarding of athletes and the awarding of others, is it justifiable based on reasons other than athletics participation? How did I do, Eric?

Mr. Hartung: Fine.

Mr. Preston: Other questions? Thank you. (Applause)

Mr. Stone: Thanks to the committee for this excellent work. You can say without a doubt that this project that went forward this year on a test basis was absolutely a success. It gave them the kind of information they needed. It tested the model and we feel really good about that. Thanks, Eric, and all the team members, and all the committee members for the outstanding work.

We are at the end of the action items. I will now simply see whether or not any of you have any matters of concerns or issues you want to raise, or comments you want to make to the delegate body before you get trampled on your way to your microphone as they leave for lunch. Seriously, if you do have something you want to register as a concern, we want to give you that opportunity to get to a mike and do that. If you are waving a hand to get to a mike, I will notice you. Otherwise, I am going to close it down.

Lunch is available immediately following the session. You heard the announcement earlier, but let me repeat it. The reception hosted by the Division III Athletic Administrators Association has been moved up to 1:30.

One other caution. These paddles are very much like those electronic collars for your pets. If you leave this room with the paddle, you will get a shock like you have never felt before. (Laughter) Please leave your paddle here.

Thanks to your good attention and your good work. We are adjourned.

[The Division III business session was adjourned at 12:30 p.m.]

99th Annual Convention
Division II
LEGISLATIVE PROPOSALS
SUBMITTED BY THE MEMBERSHIP

[Note: In the following proposals, those letters and words that appear in *italics* are to be deleted and those letters and words that appear in **bold face** are to be added. All page numbers listed refer to the corresponding pages in the 2004-05 NCAA Division II Manual.]

TOPICAL GROUPINGS OF PROPOSED AMENDMENTS
99TH ANNUAL CONVENTION

Proposal Numbers

1 through 9
10 through 20
21
22 through 24
25 through 27
28
29 through 33
34 through 35
36 through 37
38

General Topic

Consent Package
Presidents Council Grouping
Amatuerism
Recruiting
Eligibility
Financial Aid
Awards and Benefits
Playing and Practice Seasons
Eligibility for Championships
Committees

DIVISION II LEGISLATIVE PROPOSALS

The NCAA Division II Presidents Council has determined that it will deal primarily with those national issues in Division II athletics that prompt widespread concern among Division II chief executive officers.

Legislative proposals developed by the Division II Management Council or by Division II committees reporting to it must be submitted to the Division II Presidents Council for review. They cannot be placed on the agenda for consideration at the Convention unless the Presidents Council agrees to sponsor them. This procedure was established to affirm presidential control of intercollegiate athletics in Division II.

The Division II Presidents Council has identified those proposals that it believes are of particular interest to Division II chief executive officers and has included them in the Presidents Council grouping. It should be noted, however, that inclusion of proposals in the Presidents Council grouping does not necessarily constitute a position by the Division II Presidents Council for or against a proposal. Those proposals with an asterisk before the proposal number have been identified by the Presidents Council as roll-call votes. Delegates should refer to each proposal's source line for information regarding the sponsor of each proposal.

[Note: Pursuant to Constitution 5.3.12, all amendments shall become effective not earlier than the first day of August following adoption at the NCAA Convention; however, if a voting delegate wishes to propose an immediate effective date, or to propose any other effective date prior to the first day of August, a two-thirds majority of all delegates present and eligible to vote on the amendment is required to approve the immediate or alternative effective date. Those proposals that receive the required vote to carry an immediate effective date and that are adopted, become effective upon adjournment of the Convention.]

[Note: The Division II Student-Athlete Advisory Committee opposed Proposal Nos. 26, 27, and 28, all of which were defeated. The SAAC spoke in support of Proposal No. 25, which was defeated, and No. 35, which was adopted.]

DIVISION II LEGISLATIVE PROPOSALS

CONSENT PACKAGE

NO. 1 (NO. 2-3) MEMBERSHIP — PROVISIONAL OR RECLASSIFYING MEMBER — FINANCIAL AID MINIMUMS

Intent: To specify the minimum financial aid requirements for an institution seeking provisional or change of division membership; further, to amend the effective date of Bylaws 20.10.1.2, 20.10.1.2.1, 20.10.1.2.3, 20.10.1.2.4.1 and 20.10.1.2.4.2 from “August 1, 2005 for those institutions that are Division II active or provisional members as of August 1, 2001; immediately for any institution applying for provisional membership after January 14, 2002,” to “August 1, 2005, for those institutions that are Division II active members as of August 1, 2001.”

A. Constitution: Amend 3.6.1.6, pages 21-22, as follows:

[Division II]

“3.6.1.6 Minimum Financial Aid Requirement. For a provisional membership application to be considered, the institution shall **annually** provide *information indicating intent to provide, during the first year of provisional membership, financial aid to student-athletes in an amount equal to or greater than the minimum requirement set forth in Bylaw 20.10.1.2.* **financial assistance that equals one of the following:**

“(a) A minimum of 50 percent of the maximum allowable equivalencies in a minimum of four separate sports, at least two of which must be women’s sports;

“(b) A minimum total expenditure of \$250,000 in athletically related financial aid, with at least \$125,000 in women’s sports. The athletics aid must be awarded in a minimum of four separate sports, at least two of which must be women’s sports; or

“(c) A minimum of 20 total full-equivalency grants, with at least 10 total full-equivalency grants in women’s sports. The grants must be awarded in a minimum of four separate sports, at least two of which must be women’s sports.”

“3.6.1.6.1 Counting Financial Aid Awards to Satisfy Minimum Requirements. In counting financial aid awarded to student-athletes to determine if the requirements set forth in Constitution 3.6.1.6 have been satisfied, the institution must satisfy the following:

“(a) Only countable financial aid, as set forth on the NCAA financial aid squad list form, may be used to meet the appropriate minimum;

“(b) Countable financial aid awarded to a student-athlete who has exhausted eligibility or awarded

to a medically exempt student-athlete may be used to meet the appropriate minimum;

“(c) To be included in reaching the appropriate minimum, the financial aid actually must be awarded; and

“(d) Countable aid awarded in emerging sports for women and non-NCAA sports may not be used to meet the appropriate minimum.

“3.6.1.6.2 Single-Gender Programs. Institutions that sponsor and conduct athletics programs for only one gender must award at least one-half of the minimum requirements set forth in Constitution 3.6.1.6-(a)-(c).

“3.6.1.6.3 Waiver of Minimum Financial Aid Requirement. The Membership Committee, by a two-thirds majority of its members present and voting, may waive the minimum financial aid requirement for Division II membership based on objective evidence that demonstrates circumstances that warrant the waiver of the normal application of the legislation.”

B. Bylaws: Amend 20.5.2 by adding new 20.5.2.5, pages 268-269, as follows:

[Division II]

“20.5.2 Reclassification Period and Requirements

[20.5.2.1 through 20.5.2.4 unchanged.]

“20.5.2.5 Minimum Financial Aid Requirement. For a change of division membership petition to be considered, the institution shall annually provide financial assistance that equals one of the following:

“(a) A minimum of 50 percent of the maximum allowable equivalencies in a minimum of four separate sports, at least two of which must be women’s sports;

“(b) A minimum total expenditure of \$250,000 in athletically related financial aid, with at least \$125,000 in women’s sports. The athletics aid must be awarded in minimum of four separate sports, at least two of which must be women’s sports; or

“(c) A minimum of 20 total full-equivalency grants, with at least 10 total full-equivalency grants and women’s sports. The grants must be awarded in a minimum of four separate sports, at least two of which must be women’s sports.

“20.5.2.5.1 Counting Financial Aid Awards to Satisfy Minimum Requirements. In counting financial aid awarded to student-athletes to determine if the requirements set forth in Bylaw 20.5.2.5 have been satisfied, the institution must satisfy the following:

- “(a) Only countable financial aid, as set forth on the NCAA financial aid squad list form, may be used to meet the appropriate minimum;
 - “(b) Countable financial aid awarded to a student-athlete who has exhausted eligibility or awarded to a medically exempt student-athlete may be used to meet the appropriate minimum;
 - “(c) To be included in reaching the appropriate minimum, the financial aid actually must be awarded; and
 - “(d) Countable aid awarded in emerging sports for women and non-NCAA sports may not be used to meet the appropriate minimum.
- “20.5.2.5.1.1 Counting Sports Classified as Division I. For purposes of counting financial aid awarded to student-athletes, an institution may use a sport classified as a Division I sport in order to satisfy the minimum financial aid requirements for Division II membership set forth in Bylaw 20.5.2.5.
- “20.5.2.5.2 Single-Gender Programs. Institutions that sponsor and conduct athletics programs for only one gender must award at least one-half of the minimum requirements set forth in Bylaw 20.5.2.5-(a)-(c).
- “20.5.2.5.3 Waiver of Minimum Financial Aid Requirement. The Membership Committee, by a two-thirds majority of its members present and voting, may waive the minimum financial aid requirement for Division II membership based on objective evidence that demonstrates circumstances that warrant the waiver of the normal application of the legislation.”

C. Bylaws: Amend 20.10.1, pages 270-271, as follows:

[Division II]

“20.10.1 Financial Aid Limitations

[20.10.1.1. unchanged.]

“20.10.1.2 Minimum Awards. A member of Division II shall annually provide financial assistance that equals one of the following:

[20.10.1.2-(a) through 20.10.1.2-(c), unchanged.]

“20.10.1.2.1 Counting Financial Aid Awards to Satisfy Minimum Requirement. In counting financial aid awarded to student-athletes to determine if the requirements set forth in Bylaw 20.10.1.2 have been satisfied, the institution must satisfy the following:

[20.10.1.2.1-(a) through 20.10.1.2.1-(d), unchanged.]

[20.10.1.2.2 unchanged.]

“20.10.1.2.3 Waiver of Minimum Financial Aid Awards.

The Management Council, by a two-thirds majority of its members present and voting, may waive the minimum financial aid awards required for Division II membership based on objective evidence that demonstrates circumstances that warrant the waiver of the normal application of the legislation.

“20.10.1.2.4 Failure to Meet Minimum Financial Aid Requirement

“20.10.1.2.4.1 One-Year Probationary Period. An institution that fails to meet the minimum financial aid requirement shall be placed on probation for one year for its entire program (both men’s and women’s sports) in the next academic year after noncompliance is discovered. An institution shall be afforded the one-year probationary period for failure to comply with minimum financial aid criteria only once in every 10-year period. The 10-year period shall begin September 1 after completion of the academic year in which the membership criterion is not met.

“20.10.1.2.4.2 Application of Restricted Membership Status. If an institution fails to meet the minimum financial aid requirement at the end of the probationary year or is ineligible for the once-in-10-year probationary period, it shall be placed in “restricted membership” and shall not be eligible for NCAA championship competition in all sports (both men’s and women’s) in the first academic year after the probationary period (or the first academic year after failure to meet the requirements if the institution is ineligible for the once-in-10-year probationary period). If the institution still cannot certify compliance with the division criteria at the end of that year, it shall be reclassified as a corresponding member.”

Source: NCAA Division II Presidents Council [Management Council (Membership Committee)].

Effective Date: For Parts A and B, August 1, 2005 for any institution entering the provisional or reclassifying process as of August 1, 2005. For Part C, August 1, 2005, for those institutions that are Division II active members as of August 1, 2001.

Rationale: Active Division II members will be required to meet new minimum financial aid requirements beginning August 1, 2005. The Membership Committee used the requirements for active member institutions as a guide when establishing the minimum financial aid requirements for provisional and reclassifying members, including the provisions for counting financial aid awarded to student-athletes in satisfying the minimum financial aid requirements. However, consistent with the Division II philosophy statement regarding equitable participation and opportunity, the committee added additional language to

subsections (b) and (c) of the minimum financial aid requirement to ensure that athletics aid is provided to multiple teams and to both genders. Further, since a Division II institution is not permitted to sponsor more than one sport for men and more than one sport for women at the Division I level, institutions shall be required to satisfy the financial aid requirements with sports sponsored at the Division II level. Additionally, it was necessary to amend the effective dates of Bylaws 20.10.1.2, 20.10.1.2.1, 20.10.1.2.3, 20.10.1.2.4.1 and 20.10.1.2.4.2, since the proposed legislation is specific to provisional and reclassifying institutions.

Action: Adopted.

**NO. 2 (NO. 2-8) RECRUITING — OFFERS AND
INDUCEMENTS — LIFE-THREATENING
INJURY OR ILLNESS**

Intent: To permit an institution to present a prospective student-athlete with a donation to a charity on behalf of a prospective student-athlete or provide other reasonable tokens of support to a prospective student-athlete when a prospect's family member dies or suffers a life-threatening injury or illness, provided the prospect has signed a National Letter of Intent (NLI) with the institution, or for those institutions that do not subscribe to the NLI program, a written offer of admission and/or financial aid.

Bylaws: Amend 13.2 by adding new 13.2.8, pages 83-84, as follows:
[Division II]

“13.2 Offers and Inducements

[13.2.1 through 13.2.7 unchanged.]

“13.2.8 Life-Threatening Injury or Illness. An institution may present a prospective student-athlete with a donation to a charity on behalf of the prospective student-athlete or provide other reasonable tokens of support (e.g., flowers) in the event of the prospect's family member's death or life-threatening injury or illness, provided the prospect has signed a National Letter of Intent (NLI) with the institution, or for those institutions that do not subscribe to the NLI program, a written offer of admission and/or financial aid.”

Source: NCAA Division II Presidents Council [Management Council (Legislation Committee)].

Effective Date: August 1, 2005

Rationale: Currently, institutions must seek permission from the Administrative Review Subcommittee (ARS) to provide a prospect with such tokens of support (e.g., flowers). The subcommittee has reviewed and granted similar requests in the past, provided the prospect has signed a National Letter of Intent (NLI) or similar ad-

mission and/or financial aid agreement. This proposal is permissive legislation, and it is left to the discretion of the institution to determine whether such tokens are provided.

Action: Adopted.

NO. 3 (NO. 2-12) RECRUITING — TRYOUTS — TWO-YEAR COLLEGE STUDENTS

Intent: To permit an institution to conduct a permissible tryout of a two-year college student in a sport at any time, provided the student has exhausted his or her two-year college eligibility in that sport.

Bylaws: Amend 13.12.2.1, page 96, as follows:

[Division II]

“13.12.2.1 Tryouts. A member institution may conduct a tryout of a prospect only on its campus or at a site at which it normally conducts practice or competition and only under the following conditions (see Bylaw 17.02.12 for tryouts of currently enrolled students):

[13.12.2.1-(a) unchanged.]

“(b) The tryout may be conducted only for high-school seniors who are enrolled in a term other than the term in which the traditional season in the sport occurs or who have completed high-school eligibility in the sport; for a two-year college student, after the conclusion of the sport season **or any-time, provided the student has exhausted his or her two-year college eligibility in the sport;** and for a four-year college student, after the conclusion of the sport season, provided written permission to contact the prospect (per Bylaw 13.1.1.2) has been obtained;”

[13.12.2.1-(c) through 13.12.2.1-(g) unchanged.]

Source: NCAA Division II Presidents Council [Management Council (Legislation Committee)].

Effective Date: August 1, 2005

Rationale: Under the current legislation, an institution is permitted to conduct a tryout of a two-year college student after the conclusion of the sport season. Such legislation is prohibitive for a two-year college student who has exhausted his or her two-year college eligibility because the institution must wait until the conclusion of the sport season, even though the student no longer participates in athletics at a two-year college. This will permit an institution to conduct a tryout of a two-year college student who has exhausted his or her eligibility in a sport at any time, including during the sport season. Tryouts of two-year college students who have exhausted eligibility in a sport must still satisfy all other conditions regarding permissible tryouts.

Action: Adopted.

NO. 4 (NO. 2-14) ELIGIBILITY — PRACTICE WAIVER — UNITED STATES OLYMPIC COMMITTEE/NATIONAL GOVERNING BODY

Intent: To permit student-athletes with eligibility remaining, who are not enrolled or who are enrolled in less than a minimum full-time program of studies, to participate on a regular basis in organized practice sessions that involve a team sport under specified conditions.

Bylaws: Amend 14.1.8.1.8, pages 110-111, as follows:

[Division II]

“14.1.8.1.8 Waivers of the 12-Hour Requirement for Practice or Competition

[14.1.8.1.8.1 through 14.1.8.1.8.3 unchanged.]

“14.1.8.1.8.4 Practice - United States Olympic Committee/National Governing Body - **Individual Sports, Rowing or Synchronized Swimming**. A student-athlete with eligibility remaining who is not enrolled or who is enrolled in less than a minimum full-time program of studies or a former student-athlete may participate on a regular basis in organized practice sessions **that involve an individual sport, rowing or synchronized swimming**, provided the following conditions are met:

“(a) The practice sessions take place only at the institution(s) the individual previously attended as an undergraduate or currently attends or previously attended as a graduate student;

“(b) *The practice sessions involve an individual sport, rowing or synchronized swimming;*

[14.1.8.1.8.4-(c) through 14.1.8.1.8.4-(e) relettered as 14.1.8.1.8.4-(b) through 14.1.8.1.8.4-(d), unchanged.]

“14.1.8.1.8.5 Practice - United States Olympic Committee/National Governing Body - **Team Sports**. A student-athlete with eligibility remaining who is not enrolled or who is enrolled in less than a minimum full-time program of studies may participate on a regular basis in organized practice sessions that involve a team sport, provided the following conditions are met:

“(a) The practice sessions take place only at the institution(s) the individual previously attended as an undergraduate or currently attends or previously attended as a graduate student;

“(b) The United States Olympic Committee or national governing body (NGB) in the sport has recommended the individual’s participation;

“(c) The individual does not participate in any coaching activities unless the institution designates the individual in the appropriate coaching limits; and

“(d) The participation occurs only during the academic year immediately before the Olympic Games.

“14.1.8.1.8.4 5.1 Administration. This w**Waivers of Bylaw 14.1.8.1.8.4 or 14.1.8.1.8.5** shall be approved by the conference members of the Association or, in the case of independent institutions, by the Management Council. A member institution shall submit a waiver request that includes documentation that demonstrates that the conditions of Bylaw 14.1.8.1.8.4 **or 14.1.8.1.8.5** have been met for each individual who wishes to participate in the institution’s practice sessions.”

Source: NCAA Division II Presidents Council [Management Council (Olympic Sports Liaison Committee)].

Effective Date: August 1, 2005

Rationale: Under the current bylaw, individual sport student-athletes who are not enrolled full time or enrolled in less than a minimum full-time program of studies may receive a waiver to participate in organized practice sessions provided all requirements of the bylaw are satisfied. However, student-athletes who participate in team sports are not entitled to this same opportunity. Team sport student-athletes should be afforded the same practice opportunities as student-athletes participating in individual sports. The committee believes the nature of the Olympic experience is exceptional and no competitive advantage is gained by allowing student-athletes in team sports with eligibility remaining to participate in practice activities while not enrolled full time or enrolled in less than a minimum full-time program of studies. This change is consistent with other exceptions available to student-athletes who compete at the Olympic level. The individual sport restriction was included to address possible abuses in team sports if former players were allowed to practice. Accordingly, for competitive equity reasons, the former student-athlete component of the bylaw is not expanded to team sport participants.

Action: Adopted.

**NO. 5 (NO. 2-17) ELIGIBILITY — HARDSHIP WAIVERS
AND SEASON-OF-COMPETITION
WAIVERS — SCHEDULED OR
COMPLETED CONTESTS/DATES OF
COMPETITION**

Intent: To permit scheduled or completed contests or dates of competition to be used in the calculation of the hardship waiver, the season-of-competition waiver, for competition while ineligible and the season-of-competition waiver, for competition while eligible.

A. Bylaws: Amend 14.2.5, pages 114-115, as follows:

[Division II]

“14.2.5 Hardship Waiver. A student-athlete may be granted an additional year of competition by the conference or the Student-Athlete Reinstatement Committee for reasons of “hardship.” Hardship is defined as an incapacity resulting from an injury or illness that has occurred under all of the following conditions:

[14.2.5-(a) and 14.2.5-(b) unchanged.]

“(c) The injury or illness occurs when the student-athlete has not participated in more than two contests or dates of competition (whichever is applicable to that sport) or 20 percent (whichever number is greater) of the institution’s scheduled **or completed** contests or dates of competition in his or her sport. Only scheduled **or completed** competition (excluding scrimmages and exhibition contests per Bylaw 17.1.9.2) against outside participants during the playing season that concludes with the NCAA championship, or, if so designated, during the official NCAA championship playing season in that sport (e.g., spring baseball, fall soccer), shall be countable under this limitation in calculating both the number of contests or dates of competition in which the student-athlete has participated and the number of scheduled **or completed** contests or dates of competition during that season in the sport.

[14.2.5.1 through 14.2.5.2 unchanged.]

“14.2.5.2.3 Percent Calculation. The following requirements are to be met in determining the percent calculation under this waiver provision: (Note: The percent calculation requirements set forth in Bylaws 14.2.5-(c) and 14.2.5.2.3 apply only to the waiver provisions of this section and do not apply to the maximum- and minimum-contests requirements in Bylaw 20.)

“14.2.5.2.3.1 Denominator in Percent Computation. The denominator in the institution’s percent calculation shall be based on the institution’s number of scheduled **or completed** varsity contests or dates of competition [see Bylaw 14.2.5-(c)] as computed for playing and practice season purposes in Bylaw 17 for the

applicable sport. Exempted events in Bylaw 17 are included in the percent calculation except for discretionary exemptions in Bylaw 17.1.9.2 (see also Bylaw 14.2.5.2.3.3).

[14.2.5.2.3.2 unchanged.]

“14.2.5.2.3.3 Conference Championships. A conference championship shall be counted as one contest or date of competition in determining the institution’s scheduled **or completed** contests or dates of competition in that sport, regardless of the number of days or games involved in the championship. However, for purposes of this regulation, the calculation of scheduled contests or dates of competition in a particular season does not include postseason competition conducted after the completion of the institution’s regular-season schedule and conference tournament.”

[14.2.5.2.4 unchanged.]

B. Bylaws: Amend 14.2.6, pages 115-116, as follows:

[Division II]

“14.2.6 Season-of-Competition Waiver — Competition While Ineligible. In conjunction with a request for restoration of eligibility and any conditions imposed thereon per Bylaw 14.12, a student-athlete may be granted an additional season of competition by the Student-Athlete Reinstatement Committee when he or she participated in a limited amount of competition. The competition must have occurred under all of the following conditions:

[14.2.6-(a) and 14.2.6-(b) unchanged.]

[14.2.6-(b)-(1) and 14.2.6-(b)-(2) unchanged.]

“(3) The student-athlete did not participate in more than two events or 10 percent (whichever number is greater) of the institution’s **scheduled or** completed events in his or her sport. All competition (including a scrimmage) against outside participants shall be countable under this limitation in calculating both the number of events in which the student-athlete participated and the number of completed events during that season (both segments) in the sport;”

[14.2.6-(b)-(4) and 14.2.6-(b)-(5) unchanged.]

C. Bylaws: Amend 14.2.7, page 116, as follows:

[Division II]

“14.2.7 Season-of-Competition Waiver — Competition While Eligible. A student-athlete may be granted an additional season of competition by the Student-Athlete Reinstatement Committee when, due to extenuating circumstances (per Bylaw 14.2.7.1.2), the student-athlete, while eligible, participated in a limited amount of competition. The competition must have occurred under all of the following conditions:

[14.2.7-(a) and 14.2.7-(b) unchanged.]

“(c) The student-athlete did not compete in more than two contests or dates of competition (whichever is applicable to that sport) or 20 percent (whichever number is greater) of the institution’s **scheduled or** completed contests. All competition (including a scrimmage) against outside participants shall be countable under this limitation in calculating both the number of contests or dates of competition in which the student-athlete participated and the number of contests or dates of competition during that season (both segments) in the sport.”

Source: NCAA Division II Presidents Council [Management Council (Student-Athlete Reinstatement Committee)].

Effective Date: Immediate; for any competition occurring on or after August 1, 2004.

Rationale: The current legislation is inconsistent in using “scheduled” versus “completed” contests when calculating the hardship-waiver, season-of-competition-while-eligible and season-of-competition-while-ineligible legislation. The language in all three waivers should be amended to include scheduled or completed contests or dates of competition. This will permit an institution to calculate in a method that is most beneficial to the student-athlete. Additionally, by considering scheduled contests, student-athletes may benefit from the ability to file for the waiver prior to the conclusion of the season in question. The proposed effective date would be immediate for any competition occurring on or after August 1, 2004. This effective date would permit a student-athlete to qualify for a hardship waiver, season-of-competition-while-eligible and/or season-of-competition-while-ineligible waiver under the standard of either “scheduled” or “completed” contests for any competition occurring on or after August 1, 2004. All competition in the 2004-05 academic year would be subject to the same standard.

Action: Adopted.

NO. 6 (NO. 2-18) ELIGIBILITY — SEASON-OF-COMPETITION WAIVER — COMPETITION WHILE ELIGIBLE

Intent: For the season-of-competition waiver for eligible participation, to remove the requirement that the circumstances must occur at an NCAA institution, the requirement that the student-athlete officially withdraw from the institution and the penalty of withholding a student-athlete who meets all of the conditions and administrative criteria for the waiver.

Bylaws: Amend 14.2.7, page 116, as follows:

[Division II]

“14.2.7 Season-of-Competition Waiver — Competition While Eligible. A student-athlete may be granted an additional season of

competition by the Student-Athlete Reinstatement Committee when, due to extenuating circumstances (per Bylaw 14.2.7.1.2), the student-athlete, while eligible, participated in a limited amount of competition. The competition must have occurred under all of the following conditions:

“(a) *The competition occurred while the student-athlete was representing an NCAA member institution;*

[14.2.7-(b) and 14.2.7-(c) renumbered as 14.2.7-(a) through 14.2.7-(b) unchanged.]

[14.2.7.1 unchanged.]

[14.2.7.1.1 unchanged.]

“14.2.7.1.2 Extenuating Circumstances. Extenuating circumstances include, but are not limited to, the following:

“(a) The student-athlete *officially withdrew from the institution* **is unable to compete** as a result of a life-threatening injury or illness suffered by a member of the student-athlete’s immediate family, which clearly is supported by contemporaneous medical documentation;

“(b) The student-athlete *officially withdrew from the institution* **is unable to compete** as a result of extreme financial difficulties as a result of a specific event (e.g., layoff, death in family) experienced by the student-athlete or an individual on whom the student-athlete is legally dependent. These circumstances must be clearly supported by objective documentation (e.g., decree of bankruptcy, proof of termination) and must be beyond the control of the student-athlete or the individual on whom the student-athlete is legally dependent;

[14.2.7.1.2-(c) unchanged.]

“14.2.7.1.3 *Penalty. A student-athlete who is granted a waiver pursuant to Bylaw 14.2.7 shall be withheld from one contest of intercollegiate competition for each contest in which he or she competed.*”

[14.2.7.1.4 renumbered as 14.2.7.1.3 unchanged.]

Source: NCAA Division II Presidents Council [Management Council (Student-Athlete Reinstatement Committee)].

Effective Date: Immediate; for any competition occurring on or after August 1, 2003.

Rationale: A family member’s injury, illness or financial hardship are circumstances considered outside the control of the student-athlete and the institution and are not circumstances linked to attendance specifically at an NCAA institution. Like the hardship-waiver legislation, the circumstances of the student-athlete’s injury or illness is outside the control of the student-ath-

lete and the institution. Therefore, this proposal provides the student-athlete with an opportunity to regain a season of competition without a withholding penalty, regardless of whether the injury or illness occurred at an NCAA institution, a two-year college or a nonmember four-year institution. It is fair and consistent not to withhold a student-athlete on a one-for-one basis when he or she satisfies the parameters of the waiver. Further, the proposal has a retroactive effective date for competition occurring on or after August 1, 2003.

Action: Adopted.

NO. 7 (NO. 2-19) ELIGIBILITY — DETERMINATION OF FRESHMAN ELIGIBILITY — GED TEST/EQUIVALENCY DIPLOMA

Intent: To specify that, for the purpose of satisfying the graduation component of the initial-eligibility requirements, a prospective student-athlete may use scores from a General Educational Development (GED) test that is not taken earlier than the date the prospective student-athlete's high-school class would normally have graduated from high school.

Bylaws: Amend 14.3.5.2, page 121, as follows:

[Division II]

"14.3.5.2 GED Test/Equivalency Diploma. A prospect who does not graduate from high school but who subsequently completes the General Educational Development (GED) test and obtains a state high-school equivalency diploma may satisfy the graduation requirement of Bylaw 14.3, but not the core-curriculum or test-score requirement, if the following conditions are met:

"(a) Only scores from a GED test taken by the prospect *after one calendar year has elapsed from* **not earlier than** the date the prospect's high-school class (i.e., the last class of which the student was a member while enrolled in high school) normally **would have graduated from high school** shall be used;"

[14.3.5.2-(b) through 14.3.5.2-(d) unchanged.]

Source: NCAA Division II Presidents Council [Management Council (Academics Requirements Committee)].

Effective Date: August 1, 2005; for entering freshman whose initial-collegiate enrollment occurs during the 2005-06 academic year and thereafter.

Rationale: A prospective student-athlete who presents the minimum qualifying score on the General Educational Development (GED) should be able to use the score without the additional requirement of taking the test one year after his or her class normally would have graduated from high school. Since the GED only fulfills the graduation requirement for initial eligibility, the prospective student-athlete still must present the minimum number of core courses, the minimum required core-course

grade-point average and a qualifying SAT and/or ACT score. This proposal requires the GED be taken not sooner than the date the prospective student-athlete's high-school class normally would have graduated and furthers deregulation efforts yet maintains the spirit of the current legislation. Finally, this amendment does not encourage students to leave high school early nor does it interfere with high-school rules and regulations regarding graduation. The effective date will permit the NCAA Initial-Eligibility Clearinghouse to process eligibility certifications for student-athletes enrolling in a collegiate institution for 2005 fall semester and thereafter.

Action: Adopted.

NO. 8 (NO. 2-24) ELIGIBILITY — MANAGEMENT COUNCIL WAIVERS — RESIDENCE REQUIREMENT

Intent: To specify that any member institution may initiate the request for a waiver of the residence requirement related to a student-athlete's health; further, to specify that the request must be supported by contemporaneous medical documentation.

Bylaws: Amend 14.8.1.2, page 135, as follows:

[Division II]

"14.8.1.2 Residence Requirement. The one-year residence requirement for student-athletes may be waived under the following conditions or circumstances:

"(a) For a student-athlete who transfers to a member institution for reasons of health. Such request for a waiver shall be initiated by *the any* member institution *from which the student-athlete is transferring* and shall be supported by **contemporaneous medical documentation** and medical recommendations of that institution's team physician and/or the student-athlete's personal physician;"

[14.8.1.2-(b) through 14.8.1.2-(d) unchanged.]

Source: NCAA Division II Presidents Council [Management Council (Legislation Committee)].

Effective Date: August 1, 2005

Rationale: The membership adopted the current legislation at the 1974 NCAA Convention. The legislative intent and rationale statements are silent as to why the member institution from which the student-athlete is transferring must submit the request. Because most waivers processed by the NCAA permit any member institution to file a waiver on behalf of a student-athlete, this legislation should be amended to reflect current practices for other types of waivers. Additionally, because the waiver to the one-year residency requirement relates to health, contemporaneous medical documentation should be submitted, consistent with the type of documentation necessary for a medical hardship waiver.

Action: Adopted.

**NO. 9 (NO. 2-29) PLAYING AND PRACTICE SEASONS —
COACHING ACTIVITIES OUTSIDE THE
PLAYING SEASON**

Intent: To permit an institutional coaching staff member to engage in coaching activities when a student-athlete participates in established national championship events or Olympic, Pan American, World Cup and World University games qualifying competition.

- A. Bylaws:** Amend 16.8.1.3 by adding new 16.8.1.3.1, page 165, as follows:

[Division II]

“16.8.1.3 Other Competition. During an academic year in which a student-athlete is eligible to represent an institution in athletics competition (or in the next summer), an institution may provide actual and necessary expenses related to participation in the following activities:

- “(a) Established national championship events (including junior national championships); **and**
- “(b) Olympic, Pan American, World Championships, World Cup and World University Games qualifying competition; *and*.

“16.8.1.3.1 Involvement of Coaching Staff. Institutional coaching staff members may engage in coaching activities with a student-athlete during the particular event in which the student-athlete competes, regardless of whether the event occurs during or outside of the institution’s declared playing season. (See Bylaw 17.1.1.1)”

- B. Bylaws:** Amend 17.1.1.1, page 176, as follows:

[Division II]

“17.1.1.1 Playing Season — Athletically Related Activities. The playing (i.e., practice and competition) season for a particular sport is the only time within which a member institution is permitted to conduct countable athletically related activities (see Bylaw 17.02.1.1) except as set forth in Bylaw 17.1.5.2. **However, coaching staff members may engage in coaching activities with a student-athlete during the student-athlete’s participation in events listed in Bylaw 16.8.1.3.**”

- C. Bylaws:** Amend 17.2.9.1.2.1, page 184, as follows:

[Division II]

“17.2.9.1.2.1 Involvement of Coaching Staff *Member*. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) during the academic year (including vacation periods during the academic year) with an outside team that involves any student-athlete with eligibility remaining from the institution’s team except as provided under Bylaws 14.7.5, **16.8.1.3.1** and 17.31.”

D. Bylaws: Amend 17.3.8.1.2.1, page 186, as follows:

[Division II]

“17.3.8.1.2.1 Involvement of Coaching Staff *Member*. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) during the academic year (including vacation periods during the academic year) with an outside team that involves any student-athlete with eligibility remaining from the institution’s team except as provided under Bylaws 14.7.5, **16.8.1.3.1** and 17.31.”

E. Bylaws: Amend 17.4.10.1.2.1, page 188, as follows:

[Division II]

“17.4.10.1.2.1 Involvement of Coaching Staff. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) at any time (i.e., during the academic year, vacation periods and summer) with an outside team that involves any student-athlete with remaining eligibility from that institution’s baseball team except as provided under Bylaws 14.7.5, **16.8.1.3.1**, 17.31 and 30.15.3.1.”

F. Bylaws: Amend 17.5.8.3, page 190, as follows:

[Division II]

“17.5.8.3 Involvement of Coaching Staff. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) at any time (i.e., during the academic year, vacation periods and summer) with an outside team that involves any student-athlete with remaining eligibility from that institution’s basketball team except as provided in Bylaws 14.7.5, **16.8.1.3.1** and 17.31.”

G. Bylaws: Amend 17.6.8.1.2.1, page 192, as follows:

[Division II]

“17.6.8.1.2.1 Involvement of Coaching Staff *Member*. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) during the academic year (including vacation periods during the academic year) with an outside team that involves any student-athlete with eligibility remaining from the institution’s team except as provided under Bylaws 14.7.5, **16.8.1.3.1** and 17.31.”

H. Bylaws: Amend 17.7.10.1.2.1, page 194, as follows:

[Division II]

“17.7.10.1.2.1 Involvement of Coaching Staff *Member*. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) during the academic year (including vacation periods during the academic year) with an outside team that in-

volves any student-athlete with eligibility remaining from the institution's cross country team except as provided under Bylaws 14.7.5, **16.8.1.3.1** and 17.31."

- I. Bylaws:** Amend 17.8.9.1.2.1, page 196, as follows:

[Division II]

"17.8.9.1.2.1 Involvement of Coaching Staff. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) during the academic year (including vacation periods during the academic year) with an outside team that involves any student-athlete with remaining eligibility from that institution's equestrian team except as provided under Bylaws 14.7.3, **16.8.1.3.1** and 17.31."

- J. Bylaws:** Amend 17.9.9.1.2.1, page 199, as follows:

[Division II]

"17.9.9.1.2.1 Involvement of Coaching Staff *Member*. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) during the academic year (including vacation periods during the academic year) with an outside team that involves any student-athlete with eligibility remaining with the institution's fencing team except as provided under Bylaws 14.7.5, **16.8.1.3.1** and 17.31."

- K. Bylaws:** Amend 17.10.10.1.2.1, page 201, as follows:

[Division II]

"17.10.10.1.2.1 Involvement of Coaching Staff *Member*. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) at any time (i.e., during the academic year, vacation periods and summer) with an outside team that involves any student-athlete with remaining eligibility from the institution's field hockey team except as provided under Bylaws 14.7.5, **16.8.1.3.1** and 17.31."

- L. Bylaws:** Amend 17.11.9.1.1, page 203, as follows:

[Division II]

"17.11.9.1.1 Out-of-Season, Noncollegiate, Amateur Competition. It is permissible for only one student-athlete from a member institution's football team to practice or compete as a member of an outside amateur football team outside the playing season, provided no member of the athletics department from the institution in which such a student-athlete is enrolled is involved with the team in any way (e.g., coach, official, player), **except as provided under Bylaw 16.8.1.3.1.**"

- M. Bylaws:** Amend 17.12.10.1.2.1, page 206, as follows:

[Division II]

"17.12.10.1.2.1 Involvement of Coaching Staff *Member*. No member of the coaching staff of a member institution may be involved

in any capacity (e.g., coach, official, player or league/team administrator) during the academic year (including vacation periods during the academic year) with an outside team that involves any student-athlete with eligibility remaining from the institution's golf team except as provided under Bylaws 14.7.5, **16.8.1.3.1** and 17.31."

- N. Bylaws:** Amend 17.13.9.1.2.1, page 208, as follows:

[Division II]

"17.13.9.1.2.1 Involvement of Coaching Staff *Member*. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) during the academic year (including vacation periods during the academic year) with an outside team that involves any student-athlete with eligibility remaining from the institution's gymnastics team except as provided under Bylaws 14.7.5, **16.8.1.3.1** and 17.31."

- O. Bylaws:** Amend 17.14.8.1.2.1, page 211, as follows:

[Division II]

"17.14.8.1.2.1 Involvement of Coaching Staff. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) at any time (i.e., during the academic year, vacation periods and summer) with an outside team that involves any student-athlete with eligibility remaining from the institution's ice hockey team except as provided under Bylaws 14.7.5, **16.8.1.3.1** and 17.31."

- P. Bylaws:** Amend 17.15.10.1.2.1, page 213, as follows:

[Division II]

"17.15.10.1.2.1 Involvement of Coaching Staff. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) at any time (i.e., during the academic year, vacation periods and summer) with an outside team that involves any student-athlete with eligibility remaining from the institution's lacrosse team except as provided under Bylaws 14.7.5, **16.8.1.3.1** and 17.31."

- Q. Bylaws:** Amend 17.16.9.1.2.1, page 215, as follows:

[Division II]

"17.16.9.1.2.1 Involvement of Coaching Staff. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) during the academic year (including vacation periods during the academic year) with an outside team that involves any student-athlete with eligibility remaining from the institution's rifle team except as provided under Bylaws 14.7.5, **16.8.1.3.1** and 17.31."

- R. Bylaws:** Amend 17.17.11.1.2.1, page 217, as follows:

[Division II]

"17.17.11.1.2.1 Involvement of Coaching Staff. No member of the coaching staff of a member institution may be involved in any

capacity (e.g., coach, official, player or league/team administrator) at any time (i.e., during the academic year, vacation periods and summer) with an outside team that involves any student-athlete with remaining eligibility from that institution's rowing team except as provided under Bylaws 14.7.5, **16.8.1.3.1** and 17.31."

S. Bylaws: Amend 17.18.9.1.2.1, page 220, as follows:

[Division II]

"17.18.9.1.2.1 Involvement of Coaching Staff. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) during the academic year (including vacation periods during the academic year) with an outside team that involves any student-athlete with eligibility remaining with the institution's skiing team except as provided under Bylaws 14.7.5, **16.8.1.3.1** and 17.31."

T. Bylaws: Amend 17.19.10.1.2.1, page 222, as follows:

[Division II]

"17.19.10.1.2.1 Involvement of Coaching Staff. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) at any time (i.e., during the academic year, vacation periods and summer) with an outside team that involves any student-athlete with eligibility remaining from the institution's soccer team except as provided under Bylaws 14.7.5, **16.8.1.3.1** and 17.31."

U. Bylaws: Amend 17.20.10.1.2.1, page 224, as follows:

[Division II]

"17.20.10.1.2.1 Involvement of Coaching Staff. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) at any time (i.e., during the academic year, vacation periods and summer) with an outside team that involves any student-athlete with eligibility remaining from the institution's softball team except as provided under Bylaws 14.7.5, **16.8.1.3.1** and 17.31."

V. Bylaws: Amend 17.21.8.1.2.1, page 226, as follows:

[Division II]

"17.21.8.1.2.1 Involvement of Coaching Staff *Member*. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) during the academic year (including vacation periods during the academic year) with an outside team that involves any student-athlete with eligibility remaining from the institution's team except as provided under Bylaws 14.7.5, **16.8.1.3.1** and 17.31."

W. Bylaws: Amend 17.22.9.1.2.1, page 227, as follows:

[Division II]

"17.22.9.1.2.1 Involvement of Coaching Staff. No member of the

coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) during the academic year (including vacation periods during the academic year) with an outside team that involves any student-athlete with eligibility remaining from the institution's swimming and diving team except as provided under Bylaws 14.7.5, **16.8.1.3.1** and 17.31."

X. Bylaws: Amend 17.23.9.1.2.1, page 229, as follows:

[Division II]

"17.23.9.1.2.1 Involvement of Coaching Staff *Member* — *Divisions I and II*. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) during the academic year (including vacation periods during the academic year) with an outside team that involves any student-athlete with eligibility remaining from the institution's **synchronized swimming** team except as provided under Bylaws 14.7.5, **16.8.1.3.1** and 17.31."

Y. Bylaws: Amend 17.24.8.1.2.1, page 231, as follows:

[Division II]

"17.24.8.1.2.1 Involvement of Coaching Staff *Member*. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) during the academic year (including vacation periods during the academic year) with an outside team that involves any student-athlete with eligibility remaining from the institution's **handball** team except as provided under Bylaws 14.7.5, **16.8.1.3.1** and 17.31."

Z. Bylaws: Amend 17.25.10.1.2.1, page 234, as follows:

[Division II]

"17.25.10.1.2.1 Involvement of Coaching Staff *Member*. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) during the academic year (including vacation periods during the academic year) with an outside team that involves any student-athlete with eligibility remaining from the institution's tennis team except as provided under Bylaws 14.7.5, **16.8.1.3.1** and 17.31."

AA. Bylaws: Amend 17.26.9.1.2.1, page 236, as follows:

[Division II]

"17.26.9.1.2.1 Involvement of Coaching Staff *Member* — *Divisions I and II*. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) during the academic year (including vacation periods during the academic year) with an outside team that involves any student-athlete with eligibility remaining from the institution's indoor/outdoor track and field team except as pro-

vided under Bylaws 14.7.5, **16.8.1.3.1** and 17.31.”

BB. Bylaws: Amend 17.27.1.8.1.2.1, page 234, as follows:

[Division II]

“17.27.1.8.1.2.1 Involvement of Coaching Staff *Member* — Men. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) at any time (i.e., during the academic year, vacation periods and summer) with an outside team that involves any student-athlete with eligibility remaining from the institution’s volleyball team except as provided under Bylaws 14.7.5, **16.8.1.3.1** and 17.31.

CC. Bylaws: Amend 17.27.2.10.1.2.1, page 241, as follows:

[Division II]

“17.27.2.10.1.2.1 Involvement of Coaching Staff *Member* — Women. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) at any time (i.e., during the academic year, vacation periods and summer) with an outside team that involves any student-athlete with eligibility remaining from the institution’s volleyball team except as provided under Bylaws 14.7.5, **16.8.1.3.1** and 17.31.”

DD. Bylaws: Amend 17.28.9.1.2.1, page 243, as follows:

[Division II]

“17.28.9.1.2.1 Involvement of Coaching Staff. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) during the academic year (including vacation periods during the academic year) with an outside team that involves any student-athlete with eligibility remaining from the institution’s water polo team except as provided under Bylaws 14.7.5, **16.8.1.3.1** and 17.31.”

EE. Bylaws: Amend 17.29.9.1.2.1, page 245, as follows:

[Division II]

“17.29.9.1.2.1 Involvement of Coaching Staff *Member*. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) during the academic year (including vacation periods during the academic year) with an outside team that involves any student-athlete with eligibility remaining from the institution’s wrestling team except as provided under Bylaws 14.7.5, **16.8.1.3.1** and 17.31.”

Source: NCAA Division II Presidents Council [Management Council (Legislation Committee)].

Effective Date: August 1, 2005

Rationale: Currently, it is permissible for institutions to provide travel expenses for coaches to accompany student-athletes to these events,

but it is not permissible for the coach to engage in coaching activities while attending the event if the event occurs outside of the institution's playing season. Some institutions choose to provide expenses to have a coach accompany a student-athlete to an event because of liability concerns. It is not realistic to expect coaches to attend these events and not engage in coaching activities. Further, it is in the best interest of the student-athlete to permit coaching at these events. Finally, due to the limited number of events included in Bylaw 16.8.1.3 and the stringent qualifying standards involved, coaches will not gain a significant competitive advantage by engaging in coaching activities at these events.

Action: Adopted.

PRESIDENTS COUNCIL GROUPING

***NO. 10 (NO. 2-1) MEMBERSHIP — ACTIVE MEMBERSHIP — CONDITIONS AND OBLIGATIONS OF MEMBERSHIP — ACADEMIC SUCCESS RATE**

Intent: To include as a condition and obligation of Division II active membership, that an institution submit on an annual basis data for the academic success rate (ASR) in a form prescribed by the Management Council; further, to establish a penalty for failing to submit the ASR.

Constitution: Amend 3.2.4 by adding new 3.2.4.10, pages 9-12, as follows:

[Division II, Roll Call]

"3.2.4. Conditions and Obligations of Membership.

[3.2.4.1 through 3.2.4.9 unchanged.]

"3.2.4.10 Academic Success Rate. Active members shall annually submit data, by the applicable deadline, for the Academic Success Rate (ASR) in a form prescribed by the Management Council.

"3.2.4.10.1 Failure to Submit Data. An active member institution that fails to submit data for the ASR by the applicable deadline shall forfeit receipt of Division II enhancement funds in the following academic year. Further, an active member institution that fails to submit data for the ASR in any two years during a five-year period shall forfeit Division II enhancement funds for the following three consecutive academic years.

"3.2.4.10.1.1 Exception for Submitting Data during the 2004-05 through 2009-10 academic years. An institution that fails to submit data for the ASR during the 2004-05 through 2009-10 academic years shall not be subject to the penalties set forth in Constitution 3.2.4.10.1. However, an institution that submits data during the 2004-05

through 2009-10 academic years shall receive an incentive payment as authorized by the Management Council.

“3.2.4.10.1.2 Waiver. The Management Council, by a two-thirds majority of its members present and voting, may grant waivers of Constitution 3.2.4.10.1 if it deems that unusual circumstances warrant such action.”

[3.2.4.10 through 3.2.4.14 renumbered as 3.2.4.11 through 3.2.4.15, unchanged.]

Source: NCAA Division II Presidents Council [Management Council (Graduation-Rate Project Team and Membership Committee)]

Effective Date: August 1, 2005

Rationale: Currently, the association uses the federal government's graduation-rate calculation to measure the graduation rate for Division II student-athletes; however, that calculation does not account for students who transfer from an institution but ultimately earn a college degree, nor does the federal methodology account for the large number of Division II participants who do not receive athletically related financial aid, yet graduate at a high rate. As such, the federal calculation does not provide an accurate picture of the number of Division II enrollees who earn a college degree within a specified time period. During the last year, the Graduation-Rates Project Team conducted two pilot studies measuring the academic success of all Division II student-athletes through a modified version of the federal report. The modified methodology tracks the graduation success of non-scholarship student-athletes and transfer student-athletes. The inclusion of those student-athletes has increased the division's graduation rate by 10 percent in two pilot studies. After reviewing the data from the most recent pilot study, there is a need to obtain full participation by Division II schools for the graduation study to be complete and meaningful. Accordingly, the project team recommended that an academic success rate (ASR) for all Division II student-athletes be an annual condition and obligation for active membership. The first ASR will be reported in the spring 2006 and would measure the six-year ASR for the 1999-2000 student-athlete cohort. Furthermore, an institution that fails to submit data for the ASR in spring 2011 (measures the six-year ASR for the 2004-05 student-athlete cohort), shall forfeit Division II enhancement funds in spring 2012. However, institutions are expected to submit data for the ASR; therefore, institutions that submit data for the ASR in the spring 2006 through the spring 2010 shall receive an incentive as authorized by the Management Council.

Action: Adopted, 240-5-1.

***NO. 11 (NO. 2-2) MEMBERSHIP — CONDITIONS AND
OBLIGATIONS OF MEMBERSHIP —
MANDATORY BINDING ARBITRATION**

Note: The Presidents Council intends to withdraw this proposal on the Convention floor.

Intent: To require members, member conferences, provisional members and affiliate members, as a condition of membership, to be subject to mandatory binding arbitration of claims arising under federal law against the NCAA, its officers, employees and agents; further, to require all conferences and affiliated members also to be subject to mandatory binding arbitration of claims arising under state law.

- A. Constitution:** Amend 3.2.4 by adding new 3.2.4.15, pages 9-12, as follows:

[Division II, Roll Call]

“3.2.4 Conditions and Obligations of Membership

[3.2.4.1 through 3.2.4.12 unchanged.]

“3.2.4.15 Arbitration of Claims. A member institution shall be subject to mandatory binding arbitration of claims arising under federal law against the NCAA, its officers, employees and agents.”

- B. Constitution:** Amend 3.3.4 by adding new 3.3.4.6, pages 14-15, as follows:

[Division II]

“3.3.4 Conditions and Obligations of Membership

[3.3.4.1 through 3.3.4.5 unchanged.]

“3.3.4.6 Arbitration of Claims. A member conference shall be subject to mandatory binding arbitration of claims arising under state or federal law against the NCAA, its officers, employees and agents.”

- C. Constitution:** Amend 3.4.4 by adding new 3.4.4.3, page 19, as follows:

[Division II]

“3.4.4 Conditions and Obligations of Membership

[3.4.4.1 and 3.4.4.2 unchanged.]

“3.4.4.3 Arbitration of Claims. An affiliated member shall be subject to mandatory binding arbitration of claims arising under state or federal law against the NCAA, its officers, employees and agents.”

- D. Constitution:** Amend 3.6.4 by adding new 3.6.4.6, pages 23, as follows:

[Division II]

“3.6.4 Conditions and Obligations of Membership

[3.6.4.1 through 3.6.4.5 unchanged.]

“3.6.4.6 Arbitration of Claims. A provisional member shall be subject to mandatory binding arbitration of claims arising under federal law against the NCAA, its officers, employees and agents.”

Source: NCAA Division II Presidents Council [Management Council].

Effective Date: Immediate.

Rationale: Arbitration is a form of resolution that generally provides for a fair, cheaper and faster manner to resolve grievances that otherwise would have to be solved through litigation. It permits grievances to be decided by an individual mutually chosen by the adversarial parties to hear a dispute in an out-of-court proceeding. Unfortunately, the judicial system has demonstrated that it is not a very practical or user-friendly way to resolve disputes. Litigation often takes years to conclude and is very expensive to either prosecute or defend. Further, media attention surrounding litigation can be unwanted for either side. Arbitration provides for speedy resolutions, streamlined discovery, reduced cost of attorney’s fees and ultimately decisions based on fact, not emotion. It provides an informal yet confidential process using the specialized knowledge of the arbitrator to reach a final decision, not subject to appeal. The proposal affects only federal law claims against active and provisional members, inasmuch as some state laws preclude arbitration of claims arising in state court against public institutions, but not federal claims. No such restriction exists regarding the forum to adjudicate state claims involving private entities.

Action: Not moved.

***NO. 12 (NO. 2-4) LEGISLATIVE PROCESS —
AMENDMENT PROCESS —
NONCONTROVERSIAL AMENDMENT**

Intent: To permit the NCAA Division II Presidents Council to adopt noncontroversial legislation relating to recruiting and eligibility.

Constitution: Amend 5.3.1.1.1, page 39, as follows:

[Division II, Roll Call]

“5.3.1.1.1 Noncontroversial Amendment. The Presidents Council, in the interim between annual Conventions, by a three-fourths majority of its members present and voting, may adopt noncontroversial legislative amendments clearly necessary to promote the normal and orderly administration of the division’s legislation. *The Presidents Council shall not adopt recruiting or eligibility legislation in accordance with this provision.* The Management Council shall submit such amendments to the division’s Presidents Council for ratification and shall sponsor legislation at the next annual Convention to confirm the adoption of such amendments.”

Source: NCAA Division II Presidents Council [Management Council (Legislation Committee)].

Effective Date: Immediate.

Rationale: As a part of the deregulation process of Constitution 5, it was noted that the legislation does not permit the NCAA Division II Presidents Council to adopt recruiting or eligibility legislation as noncontroversial legislation. Legislation for Bylaws 13 and 14 that is considered noncontroversial in nature is voted on at the annual Convention through the consent package. Permitting noncontroversial legislation for Bylaws 13 and 14 will allow legislation that is clearly necessary for the normal and orderly administration of the division's business without having to delay until a vote at the annual Convention.

Action: Adopted, 243-2-2.

NO. 13 (NO. 2-6) RECRUITING — FOUR-YEAR COLLEGE PROSPECTS — NONATHLETICALLY RELATED FINANCIAL AID

Intent: To permit an institution to provide nonathletically related financial aid during the first academic year to a transfer student-athlete for whom the institution did not receive written permission to contact from the previous four-year institution's athletics director (or designee).

Bylaws: Amend 13.1.1.2, page 78, as follows:

[Division II]

"13.1.1.2 Four-Year College Prospects. An athletics staff member or other representative of the institution's athletics interests shall not make contact with the student-athlete of another four-year collegiate institution, directly or indirectly, without first obtaining the written permission of the first institution's athletics director (or an athletics administrator designated by the athletics director) to do so, regardless of who makes the initial contact. If permission is not granted, the second institution shall not encourage the transfer and shall not provide **athletically related** financial assistance to the student-athlete until the student-athlete has attended the second institution for one academic year. If permission is granted to contact the student-athlete, all applicable NCAA recruiting rules apply."

Source: NCAA Division II Presidents Council [Management Council (Legislation Committee)].

Effective Date: August 1, 2005

Rationale: Current regulations prohibit athletics staff members from making contact with the student-athlete of another four-year collegiate institution without first obtaining written permission from the first institution's director of athletics (or designee). If permission is not granted, the second institution shall not encourage the transfer and the institution shall not provide financial assistance to the student-athlete until the student-athlete has attended the second institution for one academic year. This legislation has been applied to include all institu-

tional financial aid, including financial aid unrelated to athletics ability (e.g., need-based aid). Many institutions believe that the restriction regarding the prohibition against providing financial assistance should apply only to athletically related financial aid. Accordingly, this proposal will permit an institution to provide nonathletically related financial aid to a transfer student-athlete (for whom permission to contact was not granted) during his or her first academic year at the certifying institution.

Action: Adopted.

**NO. 14 (NO. 2-9) RECRUITING — RECRUITING
MATERIALS — NCAA OR CONFERENCE
CHAMPIONSHIP PROMOTIONAL
MATERIALS**

Intent: To permit the NCAA or member conference (or a third party acting on behalf of the NCAA or member conference) to produce and send championship promotional materials to groups or individuals (including prospective student-athletes), under specified conditions.

Bylaws: Amend 13.4.4.2, page 86, as follows:

[Division II]

“13.4.4.2 NCAA or Conference Championship Posters **Promotional Materials. An institution hosting an NCAA or conference championship may produce a poster promoting the championship and send it to a high-school coach and/or his or her educational institution. It is not permissible to send such a poster to a prospect. Violations of this bylaw shall be considered institutional violations per Constitution 2.8.1; however, they shall not affect the prospective student-athlete’s eligibility. The NCAA or a member conference [or a third party acting on behalf of the NCAA or member conference (e.g., host institution, conference, local organizing committee)] may produce and provide championships promotional materials to any individual or group, provided the materials:**

- “(a) Are solely for the purpose of promoting the championship event rather than the host institution, and use factual information (e.g., date, time, location, identification of host school/conference, ticket information, photos of previous championships);**
- “(b) Are not sent exclusively to prospects;**
- “(c) Are available to the general public; and**
- “(d) Do not promote the institution’s athletics program.**

“13.4.4.2.1 Effect of Violation. Violations of Bylaw 13.4.4.2 shall be considered institutional violations per Constitution 2.8.1; however, such violations shall not affect the prospective student-athlete’s eligibility.”

Source: NCAA Division II Presidents Council [Management Council (Legislation Committee)].

Effective Date: August 1, 2005

Rationale: Current legislation does not permit prospect-aged individuals to receive championship promotional materials from the entity hosting the event or from the NCAA national office. Championship-promotional materials, by nature, are not recruiting materials. Instead, they are informational. Moreover, in order to promote championship events successfully, it is necessary to provide fans championship information. Many of these fans are prospect-aged individuals or groups (e.g., boy and girl scouts, youth sport organizations). Finally, restrictions on the promotional materials (e.g., informational only, not sent exclusively to prospects), are intended to protect against potential recruiting abuses.

Action: Adopted.

NO. 15 (NO. 2-20) ELIGIBILITY — PROGRESS-TOWARD-DEGREE REQUIREMENTS — HOURS EARNED OR ACCEPTED FOR DEGREE CREDIT — SIX-HOUR REQUIREMENT

Intent: To permit a student-athlete in the final academic year of his or her designated degree program to use credits acceptable toward any of the institution's degree programs to satisfy the six-hour requirement.

Bylaws: Amend 14.4.3.1.4 by adding new 14.4.3.1.4.1, pages 123-124, as follows:

[Division II]

"14.4.3.1.4 Hours Earned or Accepted for Degree Credit. The provision that the calculation of credit hours under the progress-toward-degree regulation shall be based on hours earned or accepted for degree credit at the certifying institution in a student-athlete's specific baccalaureate degree program (see Bylaw 14.4.3.1.3) shall be met as follows:

[14.4.3.1.4-(a) through 14.4.3.1.4-(d) unchanged.]

"14.4.3.1.4.1 Exception — Final Academic Year of Degree Program — Six-Hour Requirement. A student-athlete who is in the final academic year (i.e., final two semesters or three quarters) of his or her designated degree program may use credit hours acceptable toward any of the institution's degree programs to satisfy the six-hour requirement per Bylaw 14.4.3.1, provided the institution certifies, through review by appropriate academic officials, that the student-athlete is carrying (for credit) the courses necessary to complete degree requirements at the end of the two semesters or three quarters. Thereafter, the student-athlete shall forfeit eligibility in all sports, unless the student-athlete completes all degree requirements during the final two semesters or three quarters and is eligible to re-

ceive the baccalaureate diploma on the institution's next degree-granting date."

Source: NCAA Division II Presidents Council [Management Council (Academic Requirements Committee)].

Effective Date: Immediately subsequent to the institution's 2005 fall term; thus, applicable to hours earned during the 2005 fall term and thereafter.

Rationale: In Division I, the NCAA staff has processed progress-toward-degree waivers of the six-hour requirement in which the circumstances cited pertained to student-athletes in the last year of their degree program who failed to satisfy the six-hour requirement with degree applicable credits. The deficiencies resulted because only a certain number of degree courses were offered for a particular term or the student-athletes had a small number of courses remaining to satisfy requirements for the degree. For example, waivers were filed for student-athletes in the second to last semester of their degree program who have already completed the degree courses offered for them. The NCAA Division I Progress-Toward-Degree Waiver Committee or NCAA staff have approved waivers involving student-athletes in the last year of their degree program noting that the student-athletes were making appropriate progress toward a degree and the intent of the six-hour requirement was not to adversely impact such student-athletes. This proposal will eliminate any Division II institutions having to file such progress-toward-degree waivers, since the intent in Division I is consistent with the intent of the Division II legislation adopted at the 2004 NCAA Convention. Furthermore, the term "final academic year" is intended to include only the final two semesters or three quarters of a student-athlete's designated degree program. The exception may be applied only if the institution certifies, through review by appropriate academic officials, that the student-athlete will carry (for credit) the courses necessary to complete all applicable degree requirements within the final academic year. If the student-athlete fails to complete all degree requirements and receive his or her baccalaureate degree within that specified time-frame, he or she will forfeit eligibility in all sports.

Action: Adopted.

NO. 16 (NO. 2-21) ELIGIBILITY — PROGRESS-TOWARD-DEGREE REQUIREMENTS — SIX-HOUR REQUIREMENT — COOPERATIVE EDUCATION AND STUDY ABROAD PROGRAMS — EXCEPTION

Intent: To specify that a student-athlete shall not be required to complete six-semester or six-quarter hours of academic credit the preceding regular academic term of full-time enrollment during any term or terms of enrollment in a cooperative education program or an institutionally approved study-abroad program.

Bylaws: Amend 14.4.3.3 by adding new 14.4.3.3.10, pages 124-125, as follows:

[Division II]

“14.4.3.3 Regulations for Administration of Progress Toward Degree

[14.4.3.3.1 through 14.4.3.3.9 unchanged.]

“14.4.3.3.10 Cooperative Education and Study Abroad Programs. A student-athlete shall not be required to complete six-semester or six-quarter hours of academic credit the preceding regular academic term of full-time enrollment during any term or terms of enrollment in a cooperative education program or an institutionally approved study-abroad program.”

Source: NCAA Division II Presidents Council [Management Council (Academic Requirements Committee)].

Effective Date: Immediately subsequent to the 2005 fall term; thus, applicable to hours earned in the 2005 fall term and thereafter.

Rationale: Many student-athletes in cooperative-education program are considered enrolled in a full-time program of studies under institutional policies, but may not be awarded six credit hours that are considered degree applicable, or institutions may have difficulty documenting the completion of the hours in time for certification due to the administrative challenges in dealing with foreign institutions. The NCAA Division I Progress-Toward-Degree Waiver Committee or NCAA staff have approved waivers involving these circumstances noting that the student-athletes were making appropriate progress toward a degree and the intent of the six-hour requirement was not to adversely impact student-athletes who participate in such programs. This proposal will eliminate any Division II institutions having to file such progress-toward-degree waivers, since the intent in Division I is consistent with the intent of the Division II legislation adopted at the 2004 NCAA Convention.

Action: Adopted.

**NO. 17 (NO. 2-22) ELIGIBILITY — EXCEPTIONS TO
PROGRESS-TOWARD-DEGREE RULE —
TWO-YEAR NONPARTICIPATION
EXCEPTION**

Intent: To create an exception to the progress-toward-degree regulations to permit a student-athlete who has not participated in countable athletically related activities for a consecutive two-year period to be immediately eligible for competition.

Bylaws: Amend 14.4.3.4, pages 125-126, as follows:

[Division II]

“14.4.3.4 Exceptions to Progress-Toward-Degree Rule

[14.4.3.4-(a) through 14.4.3.4-(d) unchanged.]

“(e) **Two-Year Nonparticipation Exception.** A student-athlete may qualify for an exception to the application of the progress-toward-degree regulation(s) if, for a consecutive two-year period immediately before the date on which the student begins participation (countable athletically related activities), the student-athlete has not participated in countable athletically related activities (see Bylaw 17.02.1.1) in any sport in intercollegiate competition, or has not participated in organized noncollegiate amateur competition while enrolled as a full-time student in a collegiate institution; and is otherwise eligible under all institutional, conference and NCAA rules. This two-year period does not include any period of time before the student-athlete’s initial collegiate enrollment. The student-athlete’s eligibility in future seasons would be governed by the provisions of the progress-toward-degree rule, which would be applied from the beginning of the first term the student-athlete began participation.”

Source: NCAA Division II Presidents Council [Management Council (Academic Requirements Committee)].

Effective Date: August 1, 2005

Rationale: Presently, a student-athlete is subject to progress-toward-degree requirements when he or she either competes for the certifying institution, after the student-athlete’s first academic year in residence or if he or she is considered a midyear transfer. A student-athlete may participate for an institution during his or her first academic year at the institution and not enroll at the institution for two years. Once the student returns to the institution, the student-athlete is subject to progress-toward-degree requirements even though he or she has not participated or attended the institution for two years. However, the student-athlete could transfer pursuant to Bylaw 14.5.5.3.7 (two-year nonparticipation exception) and not be required to

complete an academic year in residence for the transfer. Further, the student has not “triggered” progress-toward-degree requirements at the second institution since the student has not competed at that institution or completed an academic year in residence at that institution. The current regulation encourages a student-athlete to transfer to another institution. Establishing a two-year nonparticipation exception to the progress-toward-degree requirements is an attempt to ensure competitive equity and promote student-athlete welfare. Specifically, a student-athlete is more likely to graduate if he or she remains at the current institution.

Action: Adopted.

**NO. 18 (NO. 2-32) PLAYING AND PRACTICE SEASONS —
TIME LIMITS FOR ATHLETICALLY
RELATED ACTIVITIES — OUTSIDE THE
PLAYING SEASON**

Intent: To specify that outside the playing season during the academic year, a student-athlete’s participation in countable athletically related activities is prohibited during two days per week; further, to permit an institution to require a student-athlete to participate in individual skill instruction while limiting such instruction to two hours within the limit of eight hours of countable athletically related activities per week.

- A. Bylaws:** Amend 17.1.5 by adding new 17.1.5.5, pages 176-178, as follows:

[Division II]

“17.1.5 Time Limits for Athletically Related Activities. In all sports, the following time limitations shall apply:

[17.1.5.1 through 17.1.5.4 unchanged.]

“17.1.5.5 Required Days Off — Outside the Playing Season. Outside the playing season, during the academic year, all countable athletically related activities (per Bylaw 17.02.1.1) shall be prohibited during two calendar days per week.”

[17.1.5.5 renumbered at 17.1.5.6 unchanged.]

- B. Bylaws:** Amend 17.1.5.2.1, pages 176-177, as follows:

[Division II]

“17.1.5.2.1 Skill Instruction. In sports other than football, participation by student-athletes in individual *voluntary* skill-related instruction is permitted outside the institution’s declared playing season, provided no more than four student-athletes from the same team are involved in skill-related instruction with their coach(es) at any one time in any facility.”

Source: NCAA Division II Presidents Council [Management Council (Legislation Committee)].

Effective Date: August 1, 2005

Rationale: This legislation would help reduce student-athlete time demands while addressing concerns that individual skill instruction is not truly voluntary.

Action: Adopted.

**NO. 19 (NO. 2-36) ELIGIBILITY FOR CHAMPIONSHIPS —
INSTITUTION ELIGIBILITY — GENERAL
INSTITUTIONAL REQUIREMENTS —
CROSS COUNTRY, INDOOR AND
OUTDOOR TRACK AND FIELD**

Intent: In cross country, indoor track and field and outdoor track and field, to require that to be eligible to compete at the NCAA championship, an institution must meet the minimum contest and participant requirements for sports sponsorship.

Bylaws: Amend 18.4.2.1, page 251, as follows:

[Division II]

“18.4.2.1 General Institutional Requirements. To be eligible to enter a team or an individual in NCAA championship competition, an institution shall:

[18.4.2.1-(a) through 18.4.2.1-(d) unchanged.]

“(e) Have confirmed annually its sponsorship of a varsity intercollegiate team in the sport by so reporting on the NCAA official information form. **In cross country, indoor track and field and outdoor track and field, institutions must meet the minimum contest and participant requirements for sponsorship as set forth in by Bylaw 20.10.3.5;** and

[18.4.2.1-(f) unchanged.]

Source: NCAA Division II Presidents Council [Management Council (Championships Committee)].

Effective Date: Immediate.

Rationale: The minimum sports-sponsorship requirements should be used as part of the qualifying procedures for the cross country and indoor and outdoor track and field NCAA championships. Student-athletes from member institutions that sponsor the sport(s) and meet the minimum sponsorship requirements are pushed down the qualifiers list and; thus, do not have an opportunity to compete in the national championships. It is important for an institution that intends to qualify for the NCAA championship to participate during the regular season with the number of meets required to qualify a team or individual to the national championships. If an institution does not meet the sports-sponsorship criteria set forth in Bylaw 20.10.3.5 for a particular sport, then it should not be represented at the NCAA championships. This proposal has an immediate effective date, so this legislation would be effective for the 2005 cross country and indoor and outdoor track and field championships.

Action: Adopted.

NO. 20 (NO. 2-37) DIVISION MEMBERSHIP — MINIMUM CONTESTS AND PARTICIPANT REQUIREMENTS — INDOOR TRACK AND FIELD

Intent: In indoor track and field, to decrease the number of participants required for indoor track and field sports sponsorship from 14 to 10 participants.

Bylaws: Amend 20.10.3.5, page 273, as follows:

[Division II]

“20.10.3.5 Minimum Contests and Participants Requirements for Sports Sponsorship. In each sport, the institution’s team shall engage in at least a minimum number of intercollegiate contests (against four-year, degree-granting collegiate institutions) each year. In the individual sports, the institution’s team shall include a minimum number of participants in each contest that is counted toward meeting the minimum-contest requirement. The following minimums are applicable:

“Individual Sports	Minimum Contests	Minimum Participants
“Track and Field, Indoor	4	1410

“(Note: The minimum-contest requirements set forth in Bylaws 20.10.3.5.1 through 20.10.3.5.8 apply only to the provisions of this section and do not apply to minimum-contest requirements in Bylaws 14 and 17.)”

Source: NCAA Division II Presidents Council [Management Council (Championships Committee)].

Effective Date: Immediate.

Rationale: The minimum participant numbers for indoor track and field should be proportionate to the number of events offered for the indoor championships. Currently, the ratio for outdoor track and field events to student-athletes is two-thirds, which is equal to 66 percent (14 student-athletes divided by 21 events). The ratio for indoor track and field is 93 percent (14 athletes divided by 15 events). Because there are some events that are contested in outdoor track and field that are not contested in indoor track and field, there is a direct effect on the number of student-athletes a team will have competing during the indoor track and field season. Reducing the minimum number of participants to 10 will make indoor track and field’s ratio proportionate to the number of participants required for outdoor track and field.

Action: Adopted.

AMATEURISM

NO. 21 (NO. 2-5) AMATEURISM — FINANCIAL DONATIONS FROM OUTSIDE ORGANIZATIONS — PROFESSIONAL SPORTS ORGANIZATIONS — RECIPROCAL CONTRACTUAL MARKETING RELATIONSHIP

Intent: To permit an institution's marketing department to enter into a reciprocal contractual relationship with a professional sports organization for the specific purpose of marketing and promoting an institutionally sponsored sport.

A. Bylaws: Amend 12.6.1, page 74, as follows:

[Division II]

“12.6.1 Professional Sports Organizations.

[12.6.1.1 unchanged.]

“12.6.1.2 To Collegiate Event. A professional sports organization may not serve as a financial sponsor of collegiate competition without jeopardizing the eligibility of student-athletes (see Bylaw 12.1.1) competing in that event.

“12.6.1.2.1 Exception — Reciprocal Contractual Marketing Relationship. An institution's marketing department may enter into a reciprocal contractual marketing relationship with a professional sports organization for the specific purpose of marketing and promoting an institutionally sponsored sport.”

B. Bylaws: Amend 12.6.1.4, page 74, as follows:

[Division II]

“12.6.1.4 To Institution, Permissible.

“(a) Funds. A member institution may receive funds from a professional sports organization provided:

“(1) The money is placed in the institution's general fund and used for purposes other than athletics; *or*

“(2) The money is placed in the institution's general scholarship fund and commingled with funds for the assistance of all students generally; **or**

“(3) The money is received by the institution as a result of a reciprocal contractual marketing relationship and is placed in the athletics department's budget for the specific purpose of marketing and promoting any institutionally sponsored sport.”

[12.6.1.4-(b) unchanged.]

Source: NCAA Division II Presidents Council [Management Council (Legislation Committee)].

Effective Date: August 1, 2005

Rationale: Professional teams in various sports are in the locale of many Division II institutions. Adopting this proposal would permit institutions to enter into reciprocal contractual marketing relationships that can help increase the exposure of and fan interest in sports at both the professional and collegiate levels.

Action: Adopted, 171-70-0.

RECRUITING

NO. 22 (NO. 2-7) RECRUITING — TELEPHONE CALLS SUBSEQUENT TO NATIONAL LETTER OF INTENT SIGNING OR OTHER WRITTEN COMMITMENT

Intent: To permit an institution to make unlimited calls to a prospect who is not eligible to sign a National Letter of Intent (e.g., four-year college transfer) provided the prospect has signed an institution's written offer of admission and/or financial aid.

Bylaws: Amend 13.1.3.3.3, page 80, as follows:

[Division II]

“13.1.3.3.3 Telephone Calls Subsequent to National Letter of Intent Signing or Other Written Commitment. After the calendar day on which a prospect signs a National Letter of Intent, there shall be no limit on the number of telephone calls by the institution with which the prospect has signed. For an institution not using the National Letter of Intent in a particular sport, **or for a prospect who is not eligible to sign a National Letter of Intent (e.g., four-year college transfer)**, there shall be no limit on the number of telephone calls to a prospect, the prospect's relatives or legal guardian(s) by that institution after the calendar day in which the prospect signs acceptance of the institution's written offer of admission and/or financial aid.”

Source: NCAA Division II Presidents Council [Management Council (Legislation Committee)].

Effective Date: Immediate.

Rationale: In certain circumstances, a prospect may not be eligible to sign a National Letter of Intent (NLI) (e.g., four-year transfer student); however, because the individual is still a prospect, an institution is limited to the telephone call restrictions (e.g., once per week). This proposal expands the unlimited telephone calls exception to include transfer students who are not eligible for the NLI, but who have signed the institution's written offer of admission and/or financial aid agreement. This change would create legislation that treats those student-athletes who are not eligible to sign a NLI similar to prospects in high school who are eligible to sign a NLI. Current legislation permits an institution to make unlimited calls to a prospect once the prospect has signed a NLI. This proposal has an immediate effective date so

institutions may take advantage of the legislation for this spring and summer recruiting period.

Action: Adopted.

NO. 23 (NO. 2-10) RECRUITING — TRANSPORTATION ON UNOFFICIAL VISIT — 30-MILE RADIUS

Intent: To eliminate the 30-mile radius restriction for transportation to view off-campus practice and competition sites in the prospect's sport or other institutional facilities.

A. Bylaws: Amend 13.6.1, page 86, as follows:

[Division II]

"General Restrictions. An institution may not provide transportation to a prospect other than on the official paid visit, or on an unofficial visit, to view a practice or competition site and other institutional facilities (*located within a 30-mile radius of the institution's campus*) when accompanied by an institutional staff member. However, an institution may not provide transportation to attend one of the institution's home contests (on or off campus) during the unofficial visit. For violations of this bylaw in which the value of the offer or inducement is \$50 or less, the eligibility of the individual (i.e., prospective or enrolled student-athlete) shall not be affected conditioned on the individual repaying the value of the benefit to a charity of his or her choice. The individual, however, shall remain ineligible from the time the institution has knowledge of the receipt of the impermissible benefit, until the prospect repays the benefit. Violations of this bylaw remain institutional violations per Constitution 2.8.1, and documentation of the individual's repayment shall be forwarded to the enforcement staff."

B. Bylaws: Amend 13.6.3, page 88, as follows:

[Division II]

"13.6.3 Transportation on Unofficial Visit. During any unofficial recruiting visit, the institution may provide the prospect with transportation only to view off-campus practice and competition sites in the prospect's sport and other institutional facilities (*located within a 30-mile radius of the institution's campus*). An institutional staff member must accompany the prospect during such a trip. Payment of any other transportation expenses, including providing transportation to attend one of the institution's home contests (on or off campus), is not permissible. For violations of Bylaw 13.6.3 in which the value of the transportation is \$50 or less, the eligibility of the individual (i.e., prospective or enrolled student-athlete) shall not be affected conditioned on the individual repaying the value of the benefit to a charity of his or her choice. The individual, however, shall remain ineligible from the time the institution has knowledge of the receipt of the impermissible benefit until the individual repays the benefit. Violations of this bylaw remain institutional violations per Constitution 2.8.1, and documentation of the individual's repayment

shall be forwarded to the enforcement staff with the institution's self-report of the violation."

Source: NCAA Division II Presidents Council [Management Council (North Central Intercollegiate Athletic Conference and Great Lakes Intercollegiate Athletic Conference.)]

Effective Date: August 1, 2005

Rationale: This proposal is consistent with the removal of similar mileage restrictions in other Division II bylaws as a part of the deregulation process.

Committee Position (NCAA Division II Legislation Committee): The committee supports the proposal. The proposal is consistent with its deregulation efforts.

Action: Adopted.

NO. 24 (NO. 2-11) RECRUITING — TRYOUTS — COMPETITION — SOCCER

Intent: In soccer, to permit an institution to conduct a tryout of a prospect that includes competition.

Bylaws: Amend 13.12.2.1, page 96, as follows:

[Division II]

"13.12.2.1 Tryouts. A member institution may conduct a tryout of a prospect only on its campus or at a site at which it normally conducts practice or competition and only under the following conditions (see Bylaw 17.02.12 for tryouts of currently enrolled students):

[13.12.2.1-(a) through 13.12.2.1-(c) unchanged.]

"(d) The tryout may include tests to evaluate the prospect's strength, speed, agility and sport skills. Except in the sports of football, ice hockey, lacrosse, *soccer* and wrestling, the tryout may include competition. In the sport of football, the prospects shall not wear helmets or pads;"

[13.12.2.1-(e) through 13.12.2.1-(g) unchanged.]

Source: NCAA Division II Presidents Council [Management Council (Legislation Committee)].

Effective Date: Immediate.

Rationale: Current legislation prohibits an institution from conducting a tryout that includes competition in football, ice hockey, lacrosse, soccer and wrestling. Since each institution has the discretion to define "competition", there is concern that competition is occurring in tryouts despite the rule. This proposal removes the prohibition of competition during the tryout for soccer because the significant health and safety concerns for prospective student-athletes in conducting competition in a tryout in the other sports (football, ice hockey, lacrosse, and wrestling) does not exist for soccer. Finally, the immediate effective date will allow tryouts in soccer which occur in spring 2005 to include competition.

Action: Adopted.

ELIGIBILITY

NO. 25 (NO. 2-15) ELIGIBILITY — SEASONS OF COMPETITION — SCRIMMAGES AND EXHIBITION CONTESTS

Intent: To specify that a student-athlete may compete in scrimmage(s) and/or exhibition contest(s) against outside competition without using a season of competition.

Bylaws: Amend 14.2.4.1, page 113, as follows:

[Division II]

“14.2.4.1 Minimum Amount of Competition. Any competition [*including* **excluding** a scrimmage(s) or **exhibition contest(s)** with outside competition (*except for* **including** approved two-year college scrimmages per Bylaw 14.2.4.1.1)], regardless of time, during a season in an intercollegiate sport shall be counted as a season of competition in that sport. This provision is applicable to intercollegiate athletics competition conducted by a two-year or four-year institution at the varsity or subvarsity level.”

Source: North Central Intercollegiate Athletic Conference and Great Lakes Intercollegiate Athletic Conference.

Effective Date: August 1, 2005; for any competition occurring on or after August 1, 2005.

Rationale: Student-athletes should be permitted the opportunity to compete in permissible scrimmages and/or exhibition contests against outside competition without using a season of competition. These contests are not official and do not impact regular-season, conference or national championship competition. Regardless of whether or not this is adopted by Division I, this would be a very positive contribution to the deregulation effort in Division II.

Committee Position (NCAA Division II Management Council and Legislation Committee): The Council and committee agreed to take no position on the proposal.

(NCAA Division II Presidents Council): The Council opposes the proposal. The Council noted that institutions may use scrimmages and/or exhibition contests as a tryout and may encourage runoffs if the student-athletes do not perform well. At this time, the legislation does not limit scrimmages and/or exhibition contests to the preseason, so such competition could occur in the middle or end of the season. Further, the Council believes this legislation may be a detriment to student-athlete well-being.

Action: Defeated.

**NO. 26 (NO. 2-16) ELIGIBILITY — SEASONS OF
COMPETITION — SCRIMMAGES AND
EXHIBITION CONTESTS — MEN’S AND
WOMEN’S BASKETBALL**

Intent: In men’s and women’s basketball, to specify that a student-athlete may compete in scrimmage(s) and/or exhibition contest(s) against outside competition without using a season of competition.

Bylaws: Amend 14.2.4.1 by adding new 14.2.4.1.3, page 113, as follows:

[Division II]

“14.2.4.1 Minimum Amount of Competition. Any competition [including a scrimmage with outside competition (except for approved two-year college scrimmages per Bylaw 14.2.4.1.1 **and scrimmages or exhibition contests in basketball per Bylaw 14.2.4.1.3**)], regardless of time, during a season in an intercollegiate sport shall be counted as a season of competition in that sport. This provision is applicable to intercollegiate athletics competition conducted by a two-year or four-year collegiate institution at the varsity or subvarsity level.

[14.2.4.1.1 through 14.2.4.1.2 unchanged.]

“14.2.4.1.3 Exception — Men’s and Women’s Basketball. A student-athlete may compete in scrimmage(s) and/or exhibition contest(s) against outside competition as permitted by Bylaw 17.5.3.1-(a) and 17.5.3.1-(d), without using a season of competition.”

Source: North Central Intercollegiate Athletic Conference and Great Lakes Intercollegiate Athletic Conference.

Effective Date: August 1, 2005; for any competition occurring on or after August 1, 2005.

Rationale: Men’s and women’s basketball student-athletes should be permitted the opportunity to compete in permissible scrimmages and/or exhibition contests with outside competition without using a season of competition. These contests are not official and do not impact regular season, conference or national championship competition.

Committee Position (NCAA Division II Management Council and Legislation Committee): The Council and committee agreed to take no position on the proposal.

(NCAA Division II Presidents Council): The Council opposes the proposal. The Council noted that institutions may use scrimmages and/or exhibition contests as a tryout and may encourage runoffs if student-athletes do not perform well. Further, the Council believes this legislation may be a detriment to student-athlete well-being.

Action: Defeated.

***NO. 27 (NO. 2-23) ELIGIBILITY — FOUR-YEAR
COLLEGE TRANSFERS — ONE-TIME
TRANSFER EXCEPTION**

Intent: To specify that a transfer student-athlete from a Division I institution to a Division II institution and who has not received a baccalaureate degree may use the one-time transfer exception, provided he or she has at least two seasons of competition remaining in the sport; or for a student-athlete that has one season of competition remaining in the sport, has not received athletically related financial aid from the Division I institution and will not receive athletically related financial aid from the certifying Division II institution.

Bylaws: Amend 14.5.5.3.10, page 132, as follows:

[Division II, Roll Call]

“14.5.5.3.10 One-Time Transfer Exception. The student transfers to the certifying institution from another four-year collegiate institution, and all of the following conditions are met (for graduate students, see also Bylaw 14.1.8.1.):

“(a) The student is a participant in a sport other than Division I basketball, Division I-A football or Division I men’s ice hockey at the institution to which the student is transferring. A participant in Division I-AA football at the institution to which the student is transferring may use this exception only if the participant transferred to the certifying institution from an institution that sponsors Division I-A football. **A student who transfers from a Division I institution to a Division II institution and who has not received a baccalaureate degree may use this exception, provided he or she has at least two seasons of competition remaining in the sport; or a student-athlete transferring from Division I that has one season of competition remaining in the sport shall be eligible for the one-time transfer exception, provided the student-athlete has not received athletically related financial aid from the Division I institution (at any time) and will not receive athletically related financial aid from the certifying Division II institution (at any time).**”

[14.5.5.3.10-(b) through 14.5.5.3.10-(e) unchanged.]

Source: Great Lakes Valley Conference and Northeast-10 Conference.

Effective Date: August 1, 2005

Rationale: This proposal addresses the concern about experienced Division I student-athletes transferring to Division II institutions and being immediately eligible for their final season of competition. Too many of these transfer student-athletes are focused primarily on competition rather than on graduating from

the institution. It is believed that requiring these Division I student-athletes to fulfill a year in residence at the certifying Division II institution before being eligible to compete, will enhance graduation rates and lessen the perception that they are being “rented” simply to compete.

Committee Position (NCAA Division II Presidents Council, Management Council and Academic Requirements Committee): The Councils and committee oppose the proposal. The proposal is not supported by any research that indicates that a Division I transfer student-athlete with one season of competition remaining is less likely to graduate than any other transfer student-athlete. Rather, a change in the legislation should take a proactive approach and possibly establish additional academic requirements for such students.

(NCAA Division II Legislation Committee): The committee agreed to take no position on the proposal.

Action: Defeated, 32-216-1.

FINANCIAL AID

***NO. 28 (NO. 2-25) FINANCIAL AID — MAXIMUM EQUIVALENCY LIMITS — FOOTBALL**

Intent: In football, to reduce the maximum limit on the value (equivalency) of financial aid awards from 36 to 24.

Bylaws: Amend 15.5.2.1.1, page 153, as follows:

[Division II, football only, Roll Call]

“15.5.2.1.1 Men’s Sports. There shall be a limit on the value (equivalency) of financial aid awards (per 15.02.4.1) that an institution may provide in any academic year to counters in each men’s sport, as follows:

“Football 36.0 **24.0**”

Source: Rocky Mountain Athletic Conference and Pennsylvania State Athletic Conference.

Effective Date: August 1, 2006

Rationale: During the 2000-01 academic year, of the Division II institutions that sponsored football, 50 percent of them awarded 24 or fewer scholarships to football student-athletes. This proposal reduces the maximum number, measured in equivalencies, of financial aid awards in football from 36 to 24 to assist competitive balance, access to championships and gender equity by limiting all institutions at the level chosen by the majority of institutions that sponsored football in 2000-01. This legislation permits one full scholarship for each offensive and defensive position as well as two scholarships for special teams. The effective date for this proposal is August 1, 2006 to provide institutions time to comply with the new equivalency limit.

Committee Position (NCAA Division II Presidents Council, Management Council and Legislation Committee): The Councils and committee oppose the proposal for the following reasons: (1) Research indicates that institutions that offer near the financial aid equivalency limit in a particular sport do not earn greater access to championships due to the aid being provided. Other factors contribute to a team's success; (2) Changes to the limits would cause harm to student-athletes because financial aid is a benefit to student-athletes and provides access to higher education; (3) Changes to the limits would further accentuate the difference between public and private institutions, with an adverse impact on private institutions; and (4) Changes to the limits would cause harm to institutions in less populated areas because the ability to provide financial aid attracts some student-athletes from different regions.

Action: Defeated, 46-97.

AWARDS AND BENEFITS

NO. 29 (NO. 2-13) AWARDS AND BENEFITS — TYPES OF AWARDS, AWARDING AGENCIES, MAXIMUM VALUE AND NUMBER OF AWARDS — SENIOR SCHOLAR-ATHLETE AWARD

Intent: To permit an institution to provide a maximum of two senior scholar-athlete awards annually to graduating seniors under the following conditions: (a) The award may include a tangible item valued at not more than \$150 and a postgraduate scholarship valued at not more than \$5,000; (b) Any postgraduate scholarship must be used for graduate studies at the recipient's choice of institutions; (c) The recipient of the postgraduate scholarship shall be no longer eligible to participate in intercollegiate athletics, except that a recipient may complete the remainder of any season in progress at the time of the award (e.g., postseason competition in a spring sport which occurs after graduation).

A. Bylaws: Amend 14.01.3.2, page 105, as follows:

[Division II]

“14.01.3.2 Awards, Benefits and Expenses. Receipt by a student-athlete of nonpermissible awards, extra benefits, or excessive or improper expenses not authorized by NCAA legislation violates the Association's amateurism principle and renders the student-athlete ineligible for athletics participation in the sport for which the improper award, benefit or expense was received (see Bylaw 16). **A student-athlete who receives an institutional postgraduate scholarship as part of a senior scholar-athlete award as set forth in Bylaw 16.1.3.1.1 shall not be eligible for intercollegiate athletics participation in all sports, except that a student may complete the remainder of any season currently in progress at the time of the**

award (e.g., postseason competition in a spring sport which occurs after graduation)."

- B. Bylaws:** Amend 15.02.4.3, page 145, as follows:

[Division II]

"15.02.4.3 Exempted Institutional Financial Aid. The following institutional financial aid is exempt and is not counted in determining a student-athlete's full grant-in-aid or cost of attendance, or in the institution's financial aid limitations:

[15.02.4.3-(a) through 15.02.4.3-(b) unchanged.]

"(c) For a public institution, out-of-state tuition waivers awarded solely on bases having no relationship to athletics ability;
and

"(d) Employee-dependent tuition benefits.; **and**

"(e) A postgraduate scholarship awarded by an institution in accordance with Bylaw 16.1.3.1.1."

- C. Bylaws:** Amend 16.1.3.1 by adding new 16.1.3.1.1, page 162, as follows:

[Division II]

"16.1.3.1.1 Senior Scholar-Athlete Award. An institution may provide a maximum of two senior scholar-athlete awards each year to graduating seniors. The award may consist of a tangible item valued at not more than \$150 and a postgraduate scholarship not to exceed \$5,000. The postgraduate scholarship shall be used for graduate studies at the recipient's choice of institution and shall be disbursed directly to that institution. Such a scholarship only may be awarded to a student-athlete who will complete the requirements for a baccalaureate degree within one term of the award and no funds will be distributed prior to the completion of the baccalaureate degree. A student-athlete who has received an institutional postgraduate scholarship as part of a senior scholar-athlete award shall be no longer eligible to participate in inter-collegiate athletics, except that the student-athlete may complete the remainder of any season currently in progress at the time of the award (e.g., postseason competition in the spring sport which occurs after graduation)."

Source: NCAA Division II Presidents Council [Management Council].

Effective Date: Immediate.

Rationale: A senior scholar-athlete award is an appropriate means of honoring student-athletes who represent excellence in athletics and academics. Current NCAA legislation permits conference and NCAA scholar-athlete awards to include scholarship funding to be used toward graduate school that allow these exceptional student-athletes to pursue their academic goals. NCAA rules also should allow each institution to provide these

opportunities for outstanding graduating seniors. The requirements that the recipient forego any remaining athletics eligibility will ensure that the award is not used to circumvent other NCAA financial aid limits. There is no cost to the Association nor to any institution that chooses not to award this postgraduate scholarship. Further, it is not anticipated that an institution that elects not to provide such an award will be at any disadvantage, recruiting or otherwise, with only two students per graduating class eligible to receive the award at any one institution. While this award has the potential for costing a member institution up to \$10,000 per year (if it chooses to take advantage of the opportunity), it also is likely that these awards may be funded by donors who seek to promote excellence in athletics and academics. This proposal has an immediate effective date, so institutions may begin awarding these senior scholar-athlete's award in the spring 2005.

Action: Adopted.

NO. 30 (NO. 2-26) AWARDS AND BENEFITS — MAXIMUM VALUE OF AWARDS

Intent: To increase the value of awards, as specified.

Bylaws: Amend 16.1.3, page 158, and Figures 16-1, 16-2 and 16-3, pages 170-172, as follows:

[Division II]

[Note: This proposal is presented in nontraditional format. In order to assist the membership in following the proposed changes, it is being presented as a chart.]

	“Current Dollar Limitation	Date Legislation Last Modified	Recommended New Amount
“PARTICIPATION AWARDS			
“Underclassman Awards	\$150	1996	\$175
“Senior Awards	\$300	1996	\$325
“Special Event Participation			
“Participation in postseason conference championship contest or tournament	\$300	1996	\$325
“Participation in postseason NCAA championship contest or tournament	\$300 (institution) no limit (NCAA)	1996 (institution)	\$325
“Participation in all-star game or postseason			

bowl game	\$300	1992	\$350
"Participation in other established meets, tournaments and featured individual competition	\$300	1992	\$350

"CHAMPIONSHIP AWARDS

"National championship conducted by the NCAA	\$300	1985	\$415
"National championship not conducted by the NCAA	\$300	1985	\$415
"Conference championship - regular season	\$300	1996	\$325
"Conference championship - postseason	\$300	1996	\$325

"SPECIAL ACHIEVEMENT AWARDS

"Special attainments or contributions to team's season	\$150	1996	\$175
"Most valuable player - special event	\$300	1996	\$325
"Most valuable player - bowl game or all-star contest	\$300	1992	\$350
"Established regional/national recognition awards	\$300	1996	\$325
"Specialized performance	\$75	1996	\$80
"Hometown Award	\$75	1996	\$80

Source: NCAA Division II Presidents Council [Management Council (Legislation Committee)].

Effective Date: August 1, 2005

Rationale: Due to inflation, it is becoming increasingly difficult to purchase the same or similar types of awards from year to year. The revised award limits adjust for inflation since the last time specific awards were modified. This proposal will allow institutions to purchase the same or similar awards for its student-athletes and still be within the specified NCAA limitations. This awards legislation remains permissive legislation; thus, it is left to the institution's discretion to determine to what extent awards shall be provided to student-athletes and provides institutions with flexibility in spending on awards.

Action: Adopted.

NO. 31 (NO. 2-27) AWARDS AND BENEFITS — HOUSING AND MEALS — MEALS INCIDENTAL TO PARTICIPATION

Intent: To specify that for both home and away-from-home competition, all student-athletes are permitted to receive a pre-game meal and all student-athletes are permitted to receive meals or snacks (or cash in the amount equal to the cost of a meal or snack) at the institution's discretion from the time the student-athlete reports on call (at the direction of the student-athlete's coach or comparable authority) and becomes involved in competition-related activities to the end of competition and the release by the appropriate institutional authority.

Bylaws: Amend 16.5.1, page 162, as follows:

[Division II]

"16.5.1 Permissible. Identified housing and meal benefits incidental to a student's participation in intercollegiate athletics that may be financed by the institution are:

[16.5.1-(a) through 16.5.1-(c) unchanged.]

"(d) Meals Incidental to Participation - *Pre- or Postgame Meals or Snacks.* **For both home and away-from-home competition, all student-athletes are permitted to receive a pre-game meal as a benefit incidental to participation and Aall student-athletes are permitted to receive a pre- or postgame meal(s) or snack(s) [or cash in the amount equal to the cost of a meal(s) or snack(s)] at the institution's discretion from the time the student-athlete reports on a call (at the direction of the student-athlete's coach or comparable authority) and becomes involved in competition related activities to the end of competition and the release by the appropriate institutional authority,** as a benefit incidental to participation. *If an institution provides its student-athletes a regular meal (e.g., lunch, dinner), it is permissible for the student-athlete also to receive a postgame meal or snack on competition day. Further, an institution, at its discretion, may provide student-athletes with cash in an amount equal to the cost of a postgame meal or snack following home and away-from-home contests in lieu of the postgame meal or snack that normally is provided by the institution."*

Source: NCAA Division II Presidents Council [Management Council (Legislation Committee)].

Effective Date: August 1, 2005

Rationale: This proposal ensures that all student-athletes receive meals of sufficient nutritional value surrounding both home and away-from-home competition. Further, the proposed change permits an institution to provide meals or snacks to student-athletes (scholarship and nonscholarship) at its discretion in con-

junction with intercollegiate competition. The proposal simplifies monitoring the current restrictions related to student-athletes receiving competition related meals and snacks and number of meals received on home or away-from-home competition.

Action: Adopted.

NO. 32 (NO. 2-28) AWARDS AND BENEFITS — HOUSING AND MEALS — PERMISSIBLE — VACATION PERIOD EXPENSES

Intent: To permit an institution to provide an additional meal (or cash in an amount equal to the cost of an additional meal) to a student-athlete during each day of any vacation period that occurs within the academic year, provided the student-athlete is required to remain on-campus for practice or competition.

Bylaws: Amend 16.5.1, page 162, as follows:

[Division II]

“16.5.1 Permissible. Identified housing and meal benefits incidental to a student’s participation in intercollegiate athletics that may be financed by the institution are:

[16.5.1-(a) through 16.5.1-(d) unchanged.]

“(e) Vacation-Period Expenses. The institution may provide the cost of room and board to student-athletes during official institutional vacation periods under the following circumstances:

“(1) Student-athletes who are required to remain on the institution’s campus for organized practice sessions or competition during the institution’s official vacation periods during the regular academic year. If the student-athlete lives at home during the vacation period, the cost of room and board may not be provided by the institution, other than to permit the student-athlete to participate in team meals incidental to practice sessions. If an institution does not provide a meal to its student-athletes, a cash allowance may be provided, not to exceed the amount provided by the institution to institutional staff members on away-from-campus trips.

“(2) Student-athletes who return to campus during the institution’s official vacation period occurring during a regular academic term (e.g., not including vacation periods between terms) from competition as outlined in Bylaws 16.8.1.2-(a) through 16.8.1.2-(e). Under such circumstances, room and board expenses may be provided beginning with the student-athlete’s arrival on campus until the institution’s regular dormitories and dining facilities reopen. If the student-athlete lives at home during the vacation period, the cost of room and board may not be provided by the institution.

“(3) Student-athletes who return to campus during the institution’s official vacation period between regular aca-

demic terms (e.g., summer-vacation period) from competition as outlined in Bylaws 16.8.1.2-(a) through 16.8.1.2-(e). Under such circumstances, room and board expenses may be provided for no more than a 48-hour period, beginning with the student-athlete's return to campus. If the student-athlete lives at home during the vacation period, the cost of room and board may not be provided by the institution.

“In addition, an institution, at its discretion, also may provide an additional meal (or cash in an amount equal to the cost of an additional meal) to student-athletes to meet nutritional needs as a benefit incidental to participation during each day of any vacation period that occurs within the academic year, provided the student-athlete is required to remain on campus to be involved in practice or competition.”

[16.5.1-(f) through 16.5.1-(g) unchanged.]

Source: NCAA Division II Presidents Council [Management Council (Legislation Committee)].

Effective Date: August 1, 2005

Rationale: Current NCAA regulations allow for unlimited practice hours during vacation periods when classes are not in session. During such time periods, there is concern that, despite receiving three meals per day, student-athletes still may not receive sufficient nutrition to maintain their health. Presently, providing an additional meal during or after practice activities constitutes an extra benefit. This proposal would permit an institution to provide an additional meal each day of the vacation period (in addition to the three meals and nutritional supplements currently allowed) and is consistent with deregulation efforts and furthers student-athlete well-being. Additionally, the Division II membership at the 2004 NCAA Convention adopted similar legislation for the preseason practice period, so this proposal will make consistent the provision of meals in the preseason and academic year.

Action: Adopted.

NO. 33 (NO. 2-30) AWARDS AND BENEFITS — BENEFITS, GIFTS AND SERVICES — USE OF A TELEPHONE

Intent: To permit a student-athlete to use a telephone for personal reasons without charge or at a reduced rate, provided such use is also generally available to the institution's students and their friends and relatives.

A. Bylaws: Amend 16.12.1 by adding new 16.12.1.10, page 168, as follows:

[Division II]

“16.12.1 Permissible

[16.12.1.1 through 16.12.1.9 unchanged.]

“16.12.1.10 Telephones. A student-athlete may use a telephone for personal reasons without charge or at a reduced rate, provided such use is also generally available to the institution’s students and their friends and relatives (see Bylaw 16.12.1.1).”

B. Bylaws: Amend 16.12.2.2.2, page 169, as follows:

[Division II]

“16.12.2.2.2 *Telephones and Credit Cards.* It is not permissible to allow a student-athlete to use a *telephone* or credit card for personal reasons without charge or at a reduced cost.”

Source: NCAA Division II Presidents Council [Management Council (Legislation Committee)].

Effective Date: August 1, 2005

Rationale: Currently, a student-athlete may not use a telephone for personal reasons without charge or at a reduced rate, even if such practice is permissible for the general student body. At the 2004 NCAA Convention, the Division II membership adopted Proposal No. 30, which prohibits transportation that is not generally available to the institution’s students and their friends and relatives. Thus, transportation is governed by the general extra-benefit legislation. Consistent with deregulation and permitting student-athletes to be treated in the same manner as the general student body, this proposal would prohibit the use of telephones that is not generally available to the institution’s students and their friends and relatives.

Action: Adopted.

PLAYING AND PRACTICE SEASONS

NO. 34 (NO. 2-31) PLAYING AND PRACTICE SEASONS — WOMEN’S RUGBY

Intent: In women’s rugby, to establish the playing and practice season, as specified.

Bylaws: Amend 17 by adding new 17.18, pages 173-246, as follows:

[Division II]

“17 Playing and Practice Seasons

[17.01 through 17.17 unchanged.]

“17.18 RUGBY, WOMEN’S. Regulations for computing the rugby playing season are set forth in Bylaw 17.1, General Playing-Season Regulations. (See Figures 17-1 and 17-2.)

“17.18.1 Length of Playing Season. The length of an institution’s playing season in women’s rugby shall be limited to a 132-day season, which may consist of two segments (each consisting of consecutive days) and which may exclude only required off days per Bylaw 17.1.5.4 and official vacation, holiday and final-examination periods during which no practice or competition shall occur.

“17.18.2 Preseason Practice. A member institution shall not commence practice sessions in women’s rugby prior to the date that permits a maximum of 21 opportunities (see Bylaw 17.02.11) prior to the first scheduled intercollegiate contest.

“17.18.3 First Contest. A member institution shall not play its first contest with outside competition in women’s rugby prior to September 1 or the preceding Friday if September 1 falls on a Saturday, Sunday or Monday.

“17.18.4 End of Regular Playing Season. A member institution shall conclude all practice and competition (games and scrimmages) in women’s rugby by the last date of final exams for the regular academic year at the institution.

“17.8.5 Number of Contests

“17.18.5.1 Maximum Limitations — Institutional. A member institution shall limit its total playing schedule with outside competition in women’s rugby during the institution’s rugby playing season to 11 contests (games or scrimmages), except for those contests excluded under Bylaws 17.18.5.3 and 17.18.5.4.

“17.18.5.1.1 Scrimmage/Exhibition Game. A member institution may play one rugby scrimmage or exhibition game (which shall not count toward the institution’s won-lost record) prior to the first scheduled contest during a particular academic year, provided such scrimmage or exhibition game is conducted during the institution’s declared playing season per Bylaw 17.18.1 and is counted against the maximum number of contests.

“17.18.5.1.2 In-Season Foreign Competition. A member institution may play one or more of its countable contests in women’s rugby in one or more foreign countries on one trip during the prescribed playing season. However, except for contests played in Canada and Mexico or on a certified foreign tour (see Bylaw 17.31), the institution may not engage in such in-season foreign competition more than once every four years.

“17.18.5.1.3 Annual Exemptions. The maximum number of contests/dates of competition in women’s rugby shall exclude the following (see Figure 17-20):

“(a) Conference Championship. Competition in one conference championship tournament in women’s rugby;

“(b) National Governing Body Championship. Competition in the rugby national governing body championship;

“(c) Alumni Contest. One contest each year

against an alumni team of the institution;

“(d) Foreign Team in U.S. One contest each year with a foreign opponent in the United States;

“(e) Hawaii, Alaska or Puerto Rico. Any women’s rugby games played in Hawaii, Alaska or Puerto Rico, respectively, either against or under the sponsorship of an active member institution located in Hawaii, Alaska or Puerto Rico, by a member located outside the area in question;

“(f) U.S. National Team. One date of competition played against the U.S. national team as selected and designated by the appropriate national governing body for rugby (e.g., “Under-21” U.S. national team).

“(g) Fund Raising Activity. Any activities in which student-athletes from more than one of the institution’s athletics teams participate with and against alumni and friends of the institution, the purpose of which is to raise funds for the benefit of the institution’s athletics or other programs, provided the student-athletes do not miss class as a result of their participation (see Bylaw 12.5.1.1); and

“(h) Celebrity Sports Activity. Competition involving a limit of two student-athletes from a member institution’s team who participate in local celebrity activities in the applicable sport conducted for the purpose of raising funds for charitable organizations, provided;

“(1) The student-athletes do not miss class as a result of the participation;

“(2) The involvement of the student-athletes has the approval of the institution’s athletics director; and

“(3) The activity takes place within a 30-mile radius of the institution’s main campus.

“17.18.5.4 Once-in-Four-Years Exemptions — Certification Not Required — Foreign Tour. An institution may exempt the contests played on a foreign tour, provided the tour occurs only once in a four-year period and is conducted by the member institution in accordance with the procedures set forth in Bylaw 30.7 (also see Bylaw 17.31).

“17.18.6 Out-of-Season Athletically Related Activities. Student-athletes and members of the coaching staff shall not engage in countable athletically related activities outside the institution’s declared playing season per Bylaw 17.18.1 except as permitted by Bylaw

17.1.5.2.

“17.18.6.1 Summer Practice. Practice that is organized or financially supported by a member institution shall be prohibited during the summer unless specifically authorized in the bylaw (e.g., foreign tour) or through official interpretations approved by Management Council.

“17.18.8 Other Restrictions

“17.18.8.1 Noncollegiate, Amateur Competition

“17.18.8.1.1 During Academic Year. A student-athlete in women’s rugby who participates during the academic year as a member of any outside rugby team in any noncollegiate, amateur competition (e.g., tournament play, exhibition games or other activity) except while representing the institution in intercollegiate rugby competition shall be ineligible for intercollegiate rugby competition for the remainder of the year and for the next academic year (see Bylaw 14.7.3 for exceptions and waiver).

“17.18.8.1.1.1 Vacation-Period Exception. A student-athlete may compete outside of the institution’s declared playing and practice season as a member of an outside team in any noncollegiate, amateur competition during any official vacation period published in the institution’s catalog. The number of student-athletes from any one institution shall not exceed five.

“17.18.8.1.1.2 May 1 Exception. A student-athlete in the sport of rugby may compete outside of an institution’s declared playing and practice season as a member of an outside team in any noncollegiate amateur competition, provided:

“(a) Such participation occurs not earlier than May 1;

“(b) The number of student-athletes from any one institution does not exceed five;

“(c) The competition is approved by the institution’s director of athletics; and

“(d) No class time is missed for practice activities or for competition.

“17.18.8.1.2 Out of Season. A member institution may permit not more than five student-athletes with eligibility remaining in intercollegiate women’s rugby to practice or compete out of season on an outside, amateur rugby

team (competition on an outside team permitted only during the summer, except as provided in Bylaws 17.18.8.1.1.1 and 17.18.1.1.2).

“17.18.8.1.2.1 Involvement of Coaching Staff. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) at any time (i.e., during the academic year, vacation periods and summer) with an outside team that involves any student-athlete with eligibility remaining from the institution’s rugby team except as provided under Bylaws 14.7.3 and 17.31.

“17.18.8.1.2.2 Olympic and National Team Development Program. There are no limits on the number of student-athletes from the same institution who may participate in Olympic and national team development programs. Such programs may also include a coach and student-athlete from the same institution, provided:

- “(a) The national governing body (NGB) conducts and administers the development program;**
- “(b) The NGB selects coaches involved in the development program; and**
- “(c) The NGB or the selected coaches select the involved participants.**

“17.18.8.2 Equipment Issue, Squad Pictures. It shall be permissible to designate a single date for issuing equipment and for taking squad pictures following the beginning of classes in the fall term or the day prior to the beginning of a segment as specified in Bylaw 17.18.2.

“17.18.8.2.1 Exception for Sundays. If the day prior to the beginning of a segment is a Sunday, the member institution may designate the preceding Saturday for issuing equipment and taking squad pictures.”

[17.18 through 17.31 renumbered as 17.19 through 17.33, unchanged.]

Source: NCAA Division II Presidents Council [Management Council (Legislation Committee)].

Effective Date: August 1, 2005

Rationale: Women’s rugby was established as an emerging sport in April 2002, and per NCAA Constitution 3.2.4.4.2, institutions must be applying all NCAA legislation by the third year after

the sport has been identified as an emerging sport; therefore, a playing and practice seasons model should be established for women's rugby. In developing the legislative proposal, 2003-04 schedules of 87 institutional club teams were analyzed for trends in the number and dates of competitions completed.

Action: Adopted.

NO. 35 (NO. 2-33) PLAYING AND PRACTICE SEASONS — ANNUAL EXEMPTIONS — AUTOMATIC EXEMPTIONS — INDEPENDENTS CHAMPIONSHIP

Intent: In those sports that conduct a Division II national championship, to permit competition in one championship meet or tournament among independent member institutions that is conducted at the end of the championship segment and prior to the NCAA Championship to be exempt from the institution's maximum number of contests or dates of competition.

Bylaws: Amend 17.1.9.1, pages 179-182, as follows:

[Division II]

"17.1.9.1 Automatic Exemptions. The following are automatically exempted from an institution's maximum number of contests or dates of competition in all sports each year:

[17.1.9.1-(a) unchanged.]

"(b) **Independents Championship. Competition in one championship meet or tournament among independent member institutions (i.e., institutions that are not members of an intercollegiate athletics conference in all sports or for a specific sport that is not part of a conference), conducted at the end of the championship segment and prior to the NCAA championship.**"

[17.1.9.1-(b) through 17.1.9.1-(n) relettered as 17.1.9.1-(c) through 17.1.9.1-(o), unchanged.]

Source: NCAA Division II Presidents Council [Management Council].

Effective Date: August 1, 2005

Rationale: Current legislation permits an institution that belongs to a Division II member conference an exemption from contest limitations for participation in conference championships. This exemption provides student-athletes with a culminating postseason competitive experience, regardless of whether the institution or the student-athletes are selected for NCAA championships competition. This proposal would establish a similar exemption and post season competitive opportunity for student-athletes at independent institutions. Student-athletes at independent institutions should not be precluded from competitive opportunities, nor should institutions be placed at a disadvantage, solely by virtue of their independent status. In addition, the experience of student-athletes at independent institutions would

be enhanced significantly by providing a chance to compete in post-season competition similar to championships conducted by conferences. The proposed independents championship would be available for those institutions that are not members of a conference in all sports and for those institutions that have a specific sport that is not a member of a conference.

Action: Adopted.

ELIGIBILITY FOR CHAMPIONSHIPS

NO. 36 (NO. 2-34) ELIGIBILITY FOR CHAMPIONSHIPS — DURATION OF INELIGIBILITY FOR USE OF BANNED DRUGS — APPEALS

Intent: To specify that the Committee on Competitive Safeguards and Medical Aspects of Sports (or designated subcommittee) shall have the authority in all sports to reduce the legislated penalty to withholding the student-athlete from the next 50 percent of the season of competition or provide complete relief from the legislated penalty.

- A. Bylaws:** Amend 18.4.1.5.1 by adding new 18.4.1.5.1.1, pages 250-251, as follows:

[Division II]

“18.4.1.5.1 Duration of Ineligibility. A student-athlete who tests positive (in accordance with the testing methods authorized by the Executive Committee) shall be charged with the loss of a minimum of one season of competition in all sports, if the season of competition has not yet begun for that student-athlete or a minimum of the equivalent of one full season of competition in all sports, if the student-athlete tests positive during his or her season of competition (i.e., the remainder of contests in the current season and contests in the subsequent season up to the period of time in which the student-athlete was declared ineligible during the previous year). The student-athlete shall remain ineligible for all regular-season and postseason competition during the time period ending one calendar year (i.e., 365 days) after the student-athlete’s positive drug test and until the student-athlete retests negative (in accordance with the testing methods authorized by the Executive Committee) and the student-athlete’s eligibility is restored by the Student-Athlete Reinstatement Committee. If the student-athlete immediately transfers to a non-NCAA institution while ineligible and competes in collegiate competition within the 365-day period at a non-NCAA institution, the student-athlete will be ineligible for all NCAA regular season and postseason competition until the student-athlete does not compete in collegiate competition for a 365-day period. Furthermore, the student-athlete must retest negative (in accordance with the testing methods authorized by the Executive Committee) and the student-athlete’s eligibility

must be restored by the Student-Athlete Reinstatement Committee. If the student-athlete transfers to another NCAA institution while ineligible, the institution from which the student-athlete transferred must notify the institution that the student-athlete is ineligible. If the student-athlete, who tested positive for any drug other than a “street drug” as defined in Bylaw 31.2.3.1, tests positive a second time for the use of any drug, other than a “street drug” as defined in Bylaw 31.2.3.1, he or she shall lose all remaining regular-season and postseason eligibility in all sports. If the student-athlete tests positive for the use of a “street drug” after being restored to eligibility, he or she shall be charged with the loss of a minimum of one additional season of competition in all sports and also shall remain ineligible for regular-season and postseason competition at least through the next calendar year. In addition, a student-athlete who has previously tested positive for performance-enhancing drugs as a result of a drug test administered by any other athletics organization and subsequently tests positive (in accordance with the testing methods authorized by the Executive Committee) shall be subject to these ineligibility provisions.

“18.4.1.5.1.1 Appeals. An institution may appeal the duration of ineligibility to the Committee on Competitive Safeguards and Medical Aspects of Sports (or a designated subcommittee). In all sports, the committee may reduce the legislated penalty to withholding the student-athlete from the next 50 percent of the season of competition or provide complete relief from the legislated penalty. If the committee requires the student-athlete to fulfill the legislated penalty, or be withheld from the next 50 percent of the season of competition in all sports, the student-athlete shall remain ineligible until the prescribed penalty is fulfilled, the student-athlete retests negative and the student-athlete’s eligibility is restored by the Committee on Student- Athlete Reinstatement.”

- B. Administrative:** Amend 31.2.3 by adding new 31.2.3.1, pages 314-316, as follows:

[Division II]

“31.2.3 Ineligibility for Use of Banned Drugs. Bylaw 18.4.1.5 provides that a student-athlete who, as a result of a drug test administered by the NCAA, is found to have used a substance on the list of banned drugs shall be declared ineligible for further participation in postseason and regular-season competition during the time period ending one calendar year after the student-athlete’s positive drug test. The student-athlete shall be charged with the loss of a minimum of one season of competition in all sports if the season of competition has not yet begun or a minimum of the equivalent of one full season of competition in all sports if the student-athlete tests positive during his or her season of competition (i.e., the remainder of contests in the current season and contests in

the next season up to the period of time in which the student-athlete was declared ineligible during the previous year). The student-athlete shall remain ineligible until the student-athlete retests negative (in accordance with the testing methods authorized by the Executive Committee) and the student-athlete's eligibility is restored by the Student-Athlete Reinstatement Committee. If the student-athlete, who tested positive for any drug other than a "street drug" as defined in Bylaw 31.2.3.1, tests positive a second time for the use of any drug, other than a "street drug" as defined in Bylaw 31.2.3.1, he or she shall lose all remaining regular-season and postseason eligibility in all sports. If the student-athlete tests positive for the use of a "street drug" after being restored to eligibility, he or she shall lose a minimum of one additional season of competition in all sports and also shall remain ineligible for regular-season and postseason competition at least through the next calendar year. Bylaw 18.4.1.5.2 also provides that the Executive Committee shall adopt a list of banned drugs and authorize methods for drug testing of student-athletes on a year-round basis. In addition, as stated in 18.4.1.5.1, a student-athlete who previously tested positive for performance-enhancing drugs as a result of tests administered by any other athletics organization and subsequently tests positive (in accordance with the testing methods authorized by the Executive Committee) shall be subject to these ineligibility provisions. The banned-drug list is subject to change. The institution and student-athletes shall be held accountable for all banned-drug classes set forth in 31.2.3.1 as well as the list located on the NCAA Web site (i.e., www.ncaa.org). In addition, a complete current listing of banned drugs may be obtained from the NCAA national office.

"31.2.3.1 Appeals. An institution may appeal the duration of ineligibility to the Committee on Competitive Safeguards and Medical Aspects of Sports (or a designated subcommittee). In all sports, the committee may reduce the legislated penalty to withholding the student-athlete from the next 50 percent of the season of competition or provide complete relief from the legislated penalty. If the committee requires the student-athlete to fulfill the legislated penalty or be withheld from the next 50 percent of the season of competition in all sports, the student-athlete shall remain ineligible until the prescribed penalty is fulfilled, the student-athlete retests negative and the student-athlete's eligibility is restored by the Committee on Student-Athlete Reinstatement."

[31.2.3.1 through 31.2.3.5 renumbered as 31.2.3.2 through 31.2.3.6 unchanged.]

Source: NCAA Division II Presidents Council [Management Council (Committee on Competitive Safeguards and Medical Aspects of Sports)].

Effective Date: August 1, 2005; for drug tests conducted on or after August 1, 2005.

Rationale: The current drug-testing legislation provides for a one-year penalty for any positive drug test, unless the Committee on Competitive Safeguards and Medical Aspects of Sports (or a designate sub-committee) accepts an appeal by the institution on behalf of a student-athlete because of mitigating circumstances. Currently the committee has no authority to reduce the sanction, only to uphold the one-year penalty or vacate the positive test and sanction. The committee will consider appeals on the case-by-case basis. This amendment would enable the committee to consider a reduced penalty in the face of mitigating circumstances. The outcome of an appeal would then be either the legislated penalty, withholding from the next 50 percent penalty or no penalty. This new rule would apply only to drug tests conducted on or after the effective date. This amendment would further align the NCAA with national and international doping control, which identifies a doping offense if any presence of a banned substance is found in a drug-test sample, but allows for reduced penalties in the face of mitigating circumstances. This recommendation is consistent with other sanctions involving NCAA student-athletes. It is also consistent with the NCAA position to maintain strong enforcement of NCAA values of integrity and fair play, while also providing for a responsive, case-by-case approach to student-athletes in unique circumstances.

Action: Adopted.

**NO. 37 (NO. 2-35) ELIGIBILITY FOR CHAMPIONSHIPS —
POSITIVE DRUG TEST — NON-NCAA
ATHLETICS ORGANIZATION**

Intent: To specify that a student-athlete under a drug-testing suspension from a national or international sports governing body that has adopted the World Anti-Doping Agency code shall not be eligible for intercollegiate competition for the duration of the suspension.

A. Bylaws: Amend 18.4.1.5.3, page 251, as follows:

[Division II]

“18.4.1.5.3 Non-NCAA Athletics Organization’s Positive Drug Test. The Executive Committee shall authorize methods for drug testing any student-athlete who has disclosed in the student-athlete statement (see Bylaw 14.1.3.1) that he or she has a positive drug test administered by a non-NCAA athletics organization. **A student-athlete under a drug-testing suspension from a national or international sports governing body that has adopted the World Anti-Doping Agency (WADA) code shall not participate in NCAA intercollegiate competition for the duration of the suspension.**”

B. Administrative: Amend 31.2.3.1.2, page 316, as follows:

[Division II]

“31.2.3.1.2 Positive Drug Test — Non-NCAA Athletics Organization. A student-athlete *who has disclosed (i.e., in the student-athlete statement) a previous positive drug test for performance enhancing drugs administered by any other athletics organization (e.g., U.S. Olympic Committee) shall be required to submit to a drug test administered by the NCAA for the banned drugs listed in Bylaw 31.2.3.1. A student-athlete who is tested by the NCAA and found to have used a substance on the NCAA’s list of banned drugs shall be declared ineligible for further participation in postseason and regular-season competition in accordance with the ineligibility provisions in Bylaws 31.2.3 and 18.4.1.5 under a drug-testing suspension from a national or international sports governing body that has adopted the World Anti-Doping Agency (WADA) code shall not participate in NCAA intercollegiate competition for the duration of the suspension.*”

Source: NCAA Division II Presidents Council [Management Council (Committee on Competitive Safeguards and Medical Aspects of Sports)].

Effective Date: August 1, 2005

Rationale: Current legislation allows a student-athlete, while under an international doping suspension, to compete within the NCAA upon testing negative with the NCAA. With this recommendation, student-athletes would not be permitted to compete in any intercollegiate sports at an NCAA institution or participate in any NCAA championship competition while under a drug-testing suspension imposed by an athletics governing body that has fully implemented the WADA Code (the drug-testing policies enforced by the International Olympic Committee). These drug-testing violations are required to be reported on the NCAA Student-Athlete Statement, and notice of a WADA doping suspension is a matter of public record. An athlete may commence or return to NCAA competition upon demonstration of a lifting of the national or international suspension. An exception to this rule would exist for a substance for which the NCAA provides a medical exception review; in these cases, the medical panel of the CSMAS will consider a waiver to participate in NCAA intercollegiate athletics. The 2003 Drug-Education and Testing Survey of the NCAA membership demonstrated that a majority of the membership (53 percent) was in favor of changing NCAA policy according to this recommendation.

Action: Adopted.

COMMITTEES

NO. 38 (NO. 2-38) COMMITTEES — SPORTS COMMITTEES WITH ONLY DIVISION II CHAMPIONSHIPS ADMINISTRATION RESPONSIBILITIES — TERM OF APPOINTMENT

Intent: To specify that members appointed to fill vacancies on a sports committee with only Division II championships administration responsibilities shall be appointed to a four-year term, regardless of the number of years remaining on the unfulfilled term.

Bylaws: Amend 21.7.7.1.1.2, page 291, as follows:

[Division II]

“21.7.7.1.1.2 Unexpired Portion of Term. Members appointed to fill vacancies on a sports committee with only Division II championships administration responsibilities shall be appointed *only for the unexpired portion of that term. Members who serve more than one-half of a term in such instances shall be considered to have served a full term* **to a four-year term, regardless of the number of years remaining on the unfulfilled term.**”

Source: North Central Intercollegiate Athletic Conference and Great Lakes Intercollegiate Athletic Conference.

Effective Date: August 1, 2005

Rationale: The current policy relating to committee replacements results in some members serving nearly six years and others that are required to leave the committee after less than two years of service based only on whether the replacement was selected before or after the midpoint of an unfulfilled term. Sports committees with only Division II championship administration responsibilities will be better served if all individuals are able to serve a four-year term. This is long enough to establish continuity and still not so long as to prevent healthy turnover. Of course, openings on Division II sports committees are available to individuals from an entire region. The replacement may be from the same conference or may not be from the same conference. Either way, the replacement should be permitted to remain on the committee for a full four-year term.

Committee Position: (NCAA Division II Management Council): The Council supports this proposal and agrees with the rationale of the sponsors.

(NCAA Division II Presidents Council and Championships Committee): The Council and committee agreed to take no position on the proposal.

(NCAA Division II Nominating Committee): The committee op-

poses the proposal. The committee believes appointing members to fill interim vacancies to four-year terms regardless of the time served by the outgoing committee member could disrupt term rotation, affect conference rotation and create potential for abuse by the manipulation of resignations. Particularly, the proposal could potentially create situations where too many committee members rotate off the committee at the same time and could potentially allow conference domination as a result of consecutive four-year terms.

Action: Defeated.

99th Annual Convention

Division III

LEGISLATIVE PROPOSALS

SUBMITTED BY THE MEMBERSHIP

[Note: In the following proposals, those letters and words that appear in *italics* are to be deleted and those letters and words that appear in **bold face** are to be added. All page numbers listed refer to the corresponding pages in the 2004-05 NCAA Division III Manual.]

TOPICAL GROUPINGS OF PROPOSED AMENDMENTS 99TH ANNUAL CONVENTION

Proposal Numbers

1 through 6

7 through 12

General Topic

Presidents Council Grouping

General

DIVISION III LEGISLATIVE PROPOSALS

The NCAA Division III Presidents Council has determined that it will deal primarily with those national issues in Division III athletics that prompt widespread concern among Division III chief executive officers.

Legislative proposals developed by the Division III Management Council or by Division III committees reporting to it must be submitted to the Division III Presidents Council for review. They cannot be placed on the agenda for consideration at the Convention unless the Presidents Council agrees to sponsor them. This procedure was established to affirm presidential control of intercollegiate athletics in Division III.

The Division III Presidents Council has identified those proposals that it believes are of particular interest to Division III chief executive officers and has included them in the Presidents Council grouping. It should be noted, however, that inclusion of proposals in the Presidents Council grouping does not necessarily constitute a position by the Division III Presidents Council for or against a proposal. Those proposals with an asterisk before the proposal number have been identified by the Presidents Council as roll-call votes. Delegates should refer to each proposal's source line for information regarding the sponsor of each proposal.

Pursuant to Constitution 5.3.12, all amendments shall become effective not earlier than the first day of August following adoption at the NCAA Convention; however, if a voting delegate wishes to propose an immediate effective date, or to propose any other effective date before the first day of August, the proposal rationale statement shall contain reasons for the alternate effective date.

PRESIDENTS COUNCIL GROUPING

***NO. 1 (NO. 2-1) MEMBERSHIP — CONDITIONS AND OBLIGATIONS OF MEMBERSHIP — MANDATORY BINDING ARBITRATION**

Note: The Presidents Council intends to withdraw this proposal on the Convention floor.

Intent: To require active members, member conferences, provisional members and affiliate members, as a condition of membership, to be subject to mandatory binding arbitration of claims arising under federal law against the NCAA, its officers, employees and agents; further, to require all member conferences and affiliated members also to be subject to mandatory binding arbitration of claims arising under state law.

- A. Constitution:** Amend 3.2.4 by adding new 3.2.4.14, pages 9-11, as follows:

[Division III, roll call]

“3.2.4 Conditions and Obligations of Membership.

[3.2.4.1 through 3.2.4.13 unchanged.]

“3.2.4.14 Arbitration of Claims. A member institution shall be subject to mandatory binding arbitration of claims arising under federal law against the NCAA, its officers, employees and agents.”

- B. Constitution:** Amend 3.3.4, by adding new 3.3.4.6, page 13, as follows:

[Division III, roll call]

“3.3.4 Conditions and Obligations of Membership.

[3.3.4.1 through 3.3.4.5 unchanged.]

“3.3.4.6 Arbitration of Claims. A member conference shall be subject to mandatory binding arbitration of claims arising under stated or federal law against the NCAA, its officers, employees and agents.”

- C. Constitution:** Amend 3.4.4 by adding new 3.4.4.3, pages 14-15, as follows:

[Division III, roll call]

“3.4.4 Conditions and Obligations of Membership.

[3.4.4.1 and 3.4.4.2 unchanged.]

“3.4.4.3 Arbitration of Claims. An affiliated member shall be subject to mandatory binding arbitration of claims arising under state and federal law against the NCAA, its officers, employees and agents.”

- D. Constitution:** Amend 3.6.4 by adding new 3.6.4.2 page 18, as follows:

[Division III, roll call]

“3.6.4 Conditions and Obligations of Membership.

[3.6.4.1 unchanged.]

“3.6.4.2 Arbitration of Claims. A provisional member shall be subject to mandatory binding arbitration of claims arising under federal law against the NCAA, its officers, employees and agents.”

[3.6.4.2 through 3.6.4.6 renumbered as 3.6.4.3 through 3.6.4.7, unchanged.]

Source: NCAA Division III Presidents Council (Management Council).

Effective Date: Immediate.

Rationale: Arbitration is a form of resolution that generally provides for a fair, cheaper and faster manner to resolve grievances that otherwise would have to be solved through litigation. It permits grievances to be decided by an individual mutually chosen by the adversarial parties to hear a dispute in an out-of-court proceeding. Unfortunately, the judicial system has demonstrated that it is not a very practical or user friendly way to resolve disputes. Litigation often takes years to conclude and is very expensive to either prosecute or defend. Further, media attention surrounding litigation can be unwanted for either side. Arbitration provides for speedy resolutions, streamlined discovery, reduced cost of attorney's fees and ultimately decisions based on fact, not emotion. It provides an informal yet confidential process using the specialized knowledge of the arbitrator to reach a final decision, not subject to appeal. The proposal affects only federal law claims against active and provisional members, inasmuch as some state laws preclude arbitration of claims arising in state court against public institutions, but not federal ones. No such restriction exists regarding the forum to adjudicate state claims involving private entities.

Action: Withdrawn.

***NO. 2 (NO. 2-5) PLAYING AND PRACTICE SEASONS —
POSTSEASON CHAMPIONSHIPS
PARTICIPATION — NATIONAL
COLLEGIATE GYMNASTICS
ASSOCIATION NATIONAL
CHAMPIONSHIP**

Intent: In gymnastics, to exempt the National Collegiate Gymnastics Association national championship from the institution's declared playing-season limitation.

Bylaws: Amend 17.1.7, pages 128-129, as follows:

[Division III, roll call]

“17.1.7 General Regulations for Computing Playing Seasons Applicable to All Sports.

[17.1.7-(a) through 17.1.7-(f) unchanged.]

“(g) Non-NCAA Postseason Championships Participation. Practice and/or competition in non-NCAA (or non-NAIA or non-NCCAA) postseason championships (e.g., an invitational tournament scheduled after a conference championship) must be counted against the institution’s declared playing-season limitation; except practice and competition for one postseason championship in each non-NCAA championship sport used for sports sponsorship purposes in accordance with Bylaw 20.11.3.2.1. Competition in the American Women’s College Hockey Alliance national championship tournament **and the National Collegiate Gymnastics Association national championship** *is* **are** exempt from the institution’s declared playing-season limitation; and”

[17.1.7-(h) unchanged.]

Source: NCAA Division III Presidents Council [Management Council (Playing and Practice Seasons Subcommittee)].

Effective Date: August 1, 2005

Rationale: Historically, Division III institutions have had very limited participation in the Association-wide NCAA Women’s Gymnastics Championship. For most Division III gymnastics programs, the National Collegiate Gymnastics Association (NGCA) national championship is recognized as the season-culminating event. This proposal allows the Division III gymnastics programs to structure their playing seasons with the NGCA national championship like they would with the NCAA championship, which does not have to be included in the 19-week gymnastics season.

Action: Adopted, 291-8-71.

***NO. 3 (NO. 2-8) PLAYING AND PRACTICE SEASONS — OUT-OF-SEASON EXCEPTION — GYMNASTICS**

Intent: In gymnastics, to reinstate the safety exception that permits a coach to be present during voluntary workouts to provide safety instruction.

Bylaws: Amend 17.13 by adding new 17.13.9, pages 155-157, as follows:

[Division III, roll call]

“17.13 GYMNASTICS. Regulations for computing the gymnastics playing season are set forth in Bylaw 17.1, General Playing-Season Regulations. (Also see Figure 17-1.)

[17.13.1 through 17.13.8 unchanged.]

“17.13.9 Safety Exception. A coach may be present during voluntary individual workouts in the institution’s regular practice facility (without the workouts being considered as countable athletically related activities) when the student-athlete uses gymnastics equipment. The coach may provide safety instruction.”

Source: New England Women's and Men's Athletic Conference.

Effective Date: August 1, 2005

Rationale: Gymnastics events for women (floor exercise, balance beam, uneven bars and vault) and for men (floor exercise, pommel horse, still rings, parallel bars, horizontal bar and vault) require combining multiple complex tasks together. Progression requires development of individual skills, then combinations of skills and finally full routines. This requires years to accomplish and continued practice to maintain consistency, skill mastery, and above all, safety. Complexity of task affects the amount of preparation needed. Spatial awareness requires progressive practice in order to be done safely. Conditioning for spatial orientation cannot be done in a typical weight training/aerobic workout. Training for spatial awareness requires the use of competent spotters or specialized training equipment found exclusively in gymnastics facilities. Spotting requires development of trust between coach and gymnast that only happens over time. Gymnastics is a highly specialized sport in which the majority of movements simple or complex, deal with focusing on the head, neck and back and proper training progressions over time are imperative to maintain safety.

Committee Position (Presidents Council, Management Council and Playing and Practice Seasons Subcommittee): The Presidents Council, Management Council and Playing and Practice Season Subcommittee oppose this proposal. There is not a compelling reason to reinstate the out-of-season exception in the sport of gymnastics. The rationale statement of the proposal does not clearly distinguish gymnastics from the other sports, such as diving and rifle, which previously had the out-of-season exception. Outside of the playing season, gymnastics student-athletes currently may work out in institutional facilities open to all with appropriate supervision, as well as participate in local club sport activities. Adoption of this proposal would have the practical effect of establishing a year-round playing season for gymnastics student-athletes and their coaches, and is contrary to the actions taken at the 2004 NCAA Convention.

Action: Defeated, 87-245-48.

***NO. 4 (NO. 2-6) PLAYING AND PRACTICE SEASONS —
ANNUAL EXEMPTIONS — ALUMNI
CONTESTS IN NONTRADITIONAL
SEGMENT**

Intent: In baseball, field hockey, lacrosse, soccer, softball and women's volleyball, to permit an institution to exempt an alumni contest played in the nontraditional segment.

A. Bylaws: Amend 17.4.5.3, pages 139-140, as follows:

[Division III, roll call]

"17.4.5.3 Annual Exemptions.

“17.4.5.3.1 Traditional Segment. The maximum number of baseball contests in the traditional segment shall exclude the following (see Figure 17-1):

[17.4.5.3-(a) through 17.4.5.3-(d) renumbered as 17.4.5.3.1-(a) through 17.4.5.3.1-(d), unchanged]

“(e) Alumni Game. One baseball contest each year with an alumni team of the institution;

[17.4.5.3-(f) through 17.4.5.3-(h) renumbered as 17.4.5.3.1-(e) through 17.4.5.3.1-(g), unchanged.]

“17.4.5.3.2 Alumni Game. The maximum number of baseball contests shall exclude one contest each year with an alumni team of the institution.”

B. Bylaws: Amend 17.10.5.3, pages 149-150, as follows:

[Division III, roll call]

“17.10.5.3 Annual Exemptions.

“17.10.5.3.1 Traditional Segment. The maximum number of field hockey contests in the traditional segment shall exclude the following (see Figure 17-1):

[17.10.5.3-(a) through 17.10.5.3-(d) renumbered as 17.10.5.3.1-(a) through 17.10.5.3.1-(d) unchanged.]

“(e) Alumni Game. One contest each year with an alumni team of the institution;

[17.10.5.3-(f) through 17.10.5.3-(h) renumbered as 17.10.5.3.1-(e) through 17.10.5.3.1-(g) unchanged.]

“17.10.5.3.2 Alumni Game. The maximum number of field hockey contests shall exclude one contest each year with an alumni team of the institution.”

C. Bylaws: Amend 17.15.5.3, page 160, as follows:

[Division III, roll call]

“17.15.5.3 Annual Exemptions.

“17.15.5.3.1 Traditional Segment. The maximum number of lacrosse dates of competition in the traditional segment shall exclude the following (see Figure 17-1):

[17.15.5.3-(a) through 17.15.5.3-(c) renumbered as 17.15.5.3.1-(a) through 17.15.5.3.1-(c), unchanged.]

“(d) Alumni Game. One date of competition each year with an alumni team of the institution;

[17.15.5.3-(e) through 17.15.5.3-(g) renumbered as 17.15.5.3.1-(d) through 17.15.5.3.1-(f), unchanged.]

“17.15.5.3.2 Alumni Game. The maximum number of lacrosse dates of competition shall exclude one date of competition each year with an alumni team of the institution.”

D. Bylaws: Amend 17.19.5.3, page 167, as follows:

[Division III, roll call]

“17.19.5.3 Annual Exemptions.

“**17.19.5.3.1 Traditional Segment.** The maximum number of soccer contests during the traditional segment shall exclude the following (see Figure 17-1):

[17.19.5.3-(a) through 17.19.5.3-(d) renumbered as 17.19.5.3.1-(a) through 17.19.5.3.1-(d), unchanged.]

“(e) *Alumni Game.* One soccer contest each year with an alumni team of the institution;

[17.19.5.3-(f) through 17.19.5.3-(h) renumbered as 17.19.5.3.1-(e) through 17.19.5.3.1-(f), unchanged.]

“**17.19.5.3.2 Alumni Game.** The maximum number of soccer contests shall exclude one contest each year with an alumni team of the institution.”

E. Bylaws: Amend 17.20.5.3, pages 169-170, as follows:

[Division III, roll call]

“17.20.5.3 Annual Exemptions.

“**17.20.5.3.1 Traditional Segment.** The maximum number of softball contests in the traditional segment shall exclude the following (see Figure 17-1):

[17.20.5.3-(a) through 17.20.5.3-(d) renumbered as 17.20.5.3.1-(a) through 17.20.5.3.1-(d), unchanged.]

“(e) *Alumni Game.* One softball contest each year with an alumni team of the institution;

[17.20.5.3-(f) through 17.20.5.3-(h) renumbered as 17.20.5.3.1-(e) through 17.20.5.3.1-(g), unchanged.]

“**17.20.5.3.2 Alumni Game.** The maximum number of softball contests shall exclude one contest each year with an alumni team of the institution.”

F. Bylaws: Amend 17.27.10, pages 184-185, as follows:

[Division III, roll call]

“17.27.10 Annual Exemptions.

“**17.27.10.1 Traditional Segment for Women and Any Segment for Men.** The maximum number of volleyball dates of competition in the traditional segment for women and any segment for men shall exclude the following (see Figure 17-1):

[17.27.10-(a) through 17.27.10-(d) renumbered as 17.27.10.1-(a) through 17.27.10.1-(d), unchanged.]

“(e) *Alumni Game.* One volleyball date of competition each year with an alumni team of the institution;

[17.27.10-(g) through 17.27.10-(h) renumbered as 17.27.10.1-(e) through 17.27.10.1-(g), unchanged.]

“**17.27.10.2 Alumni Game.** The maximum number of volleyball dates of competition shall exclude one date of competition each year with an alumni team of the institution.”

Source: Empire 8.

Effective Date: August 1, 2005

Rationale: Current legislation permits an institution to exempt an alumni contest from its contest limitations only if it occurs during the traditional season. This is a time when the demands placed on a student-athlete are already significant. This proposal seeks to provide an institution flexibility to schedule one exempted alumni contest during the nontraditional or traditional season. Not allowing an institution to schedule and compete in such an exempted contest during the nontraditional season has placed a burden on our young men and women during their most challenging and stressful time of the academic year. This proposal still holds firm the intent of Bylaw 17.1.6.1 in that no class time may be missed for practice or competition. Further, it would not take a team off campus as alumni events are typically conducted on campus and it does not add a date to the nontraditional season. As a result, the proposed change will not have a negative impact on a student-athlete's academic efforts and it will provide institutions the flexibility to schedule an alumni contest during the traditional or nontraditional season. The proposed change should ease the burden for student-athletes. Providing the flexibility for an institution to schedule an exempted alumni event is in the best interest of our student-athletes and member institutions.

Committee Position (Presidents Council): The Presidents Council took no position on this proposal.

Action: Adopted, 293-68-5.

***NO. 5 (NO. 2-7) PLAYING AND PRACTICE SEASONS —
OUT-OF-SEASON ATHLETICALLY
RELATED ACTIVITIES — FOOTBALL**

Intent: In football, to permit the use of a football and limited skill instruction during the five week out-of-season conditioning and strength training period.

Bylaws: Amend 17.11.6, page 153, as follows:

[Division III, roll call]

“17.11.6 Out-of-Season Athletically Related Activities. Student-athletes and members of the coaching staff shall not engage in athletically related activities outside the playing season per Bylaw 17.02.1.1 *except that*.

“17.11.6.1 Exception. *a*An institution is permitted to conduct conditioning and strength training sessions *for a period of five and limited skill instruction during a consecutive five weeks with period outside the playing season. During this five week period, the institution may conduct practice on* a maximum of 16 *practice* days with no more than four practice days in any one week *outside the playing season.* Any athletically related activity

(per Bylaw 17.02.1.1) shall constitute the use of a *practice day*. *Pass patterns and position-specific agility drills are permissible, provided there is no simulation of offensive and defensive alignments and student-athletes are not positioned in a manner that simulates football-related competition or practice activities. No missed class time is permitted for these sessions.* **Skill instruction during this period shall be limited to passing, catching and kicking related drills. Except for footballs,** *the use of footballs, helmets, pads, blocking sleds or any other form of sport-related equipment is prohibited. No missed class time is permitted for these sessions.*”

Source: American Southwest Conference and New Jersey Athletic Conference.

Effective Date: Immediate.

Rationale: This proposal provides equity for football student-athletes to have the same opportunities in the nontraditional segment as student-athletes in other sports. Conditioning and strength training sessions combined with developing speed training will produce the proper physical condition for maximum cardiovascular condition. A basic instinct of student-athletes is to be involved in physical activities that require running, jumping and throwing. The use of footballs to cover punts, kickoffs, pass patterns and pass coverages will create interest. Agility drills involving footwork and quickness will combine well with conditioning and strength training sessions. The ability of student-athletes to interact one-on-one with their coaches in the off season will improve the opportunity for counseling and assist greatly in student retention. Since student-athletes involved in out-of-season athletically related activities will not use helmets, pads, blocking sleds or any other sport-related equipment, the possibility of injury is minimized with no physical contact. The football student-athlete should be provided with the same equity of opportunity that is provided to other team sports in NCAA Division III. The proposal carries an immediate effective date so that football student-athletes can have the benefit of this legislation for the spring semester of the 2004-05 academic year.

Committee Position (Presidents Council and Management Council): The Presidents Council and Management Council oppose this proposal. The purpose of the current strength and conditioning segment is to provide a safe environment in which football student-athletes may condition out of season. Use of footballs and the addition of skill instruction do not increase safety and expand the limited spring segment beyond its original intent of strength and conditioning.

Action: Adopted, 209-125-47.

***NO. 6 (NO. 2-12) EXECUTIVE REGULATIONS —
AUTOMATIC QUALIFICATION — GOLF
AND TENNIS**

Intent: In golf and tennis, to establish automatic qualification principles.

Administrative: Amend 31.3.4.4, page 258, as follows:

[Division III, roll call]

“31.3.4.4 Principles of Establishing Bracket Sizes. In team sports, overall bracket size shall be established based on an approximate access ratio of 1:6.5. **In golf and tennis, the team portion of the bracket shall be based on an approximate access ratio of 1:7.5 and the individual participant access shall be determined according to Championships Committee policy.** The overall **team** bracket size shall be determined by dividing the total number of active Division III institutions sponsoring the sport by 6.5 **or 7.5** and then adjusted as necessary by the Championships Committee. Bracket composition shall be based on three pools (A, B and C) and shall be established using the following principles:”

[31.3.4.4-(a) through 31.3.4.4-(c) unchanged.]

Source: NCAA Division III Presidents Council [Management Council (Championships Committee)].

Effective Date: August 1, 2006

Rationale: This proposal will expand student-athletes’ access to the golf and tennis championships. Automatic qualification in golf and tennis supports the Division III philosophy that primary emphasis should be placed on regular, in-season conference and regional competition. It also promotes the concept that equitable access to NCAA championships should be provided for conference members and independent institutions. The delayed effective date allows time to alter the existing golf and tennis championship structure and to address the budgetary impact of this proposal. Further, this proposal supports the Division III goal of treating championship access for student-athletes in team and individual-team sports consistently.

Action: Adopted, 311-60-5.

GENERAL

NO. 7 (NO. 2-2) ELIGIBILITY — HARDSHIP WAIVER AND SEASON OF COMPETITION WAIVERS — COMPLETED OR SCHEDULED CONTESTS

Intent: To specify that completed or scheduled contests/dates of competition may be used in determining whether a student-athlete may be granted an additional year of participation through the hardship waiver and season-of-participation waiver legislation.

A. Bylaws: Amend 14.2.5, page 95, as follows:

[Division III]

“14.2.5 Hardship Waiver. A student-athlete may be granted an additional year of participation (per Bylaw 14.2.4) by the conference or the Committee on Student-Athlete Reinstatement for reasons of “hardship.” Hardship is defined as an incapacity resulting from an injury or illness that has occurred under all of the following conditions:

[14.2.5.-(a) unchanged.]

“(b) The injury or illness occurs before the completion of the first half of the traditional playing season in that sport (measured by the number of completed **or scheduled** contests or dates of competition *rather than scheduled contests or dates of competition or calendar days*) and results in incapacity to compete for the remainder of the traditional playing season; and

“(c) The injury or illness occurs when the student-athlete has not participated in more than three contests or dates of competition (whichever is applicable to that sport) or one-third (whichever number is greater) of the institution’s completed **or scheduled** contests or dates of competition in his or her sport. Only competition (excluding preseason scrimmages and exhibition contests but including scrimmages and exhibitions after the first regularly scheduled contest) against outside participants during the traditional playing season, or, if so designated, during the official NCAA championship playing season in that sport (e.g., spring baseball, fall soccer), shall be countable under this limitation in calculating both the number of contests or dates of competition in which the student-athlete has participated and the number of completed **or scheduled** contests or dates of competition during that season in the sport.”

B. Bylaws: Amend 14.2.5.2.5.1, page 96, as follows:

[Division III]

“14.2.5.2.5.1 Denominator in Percent Computation. The denominator in the institution’s percent calculation shall be based on the institution’s number of completed **or scheduled** varsity contests or dates of competition [see Bylaw 14.2.5-(c)] as computed for playing and practice season purposes in Bylaw 17 for the applicable sport. (Note: Exempted events in Bylaw 17 are included in the percent calculation).”

C. Bylaws: Amend 14.2.5.2.5.3, page 96, as follows:

[Division III]

“14.2.5.2.5.3 Conference Championships. A conference championship shall be counted as one contest or date of competition in determining the institution’s completed **or scheduled** contests or dates of competition in that sport, regardless of the number of days or games involved in the championship. However, for purposes of this regulation, the calculation of completed **or scheduled** contests or dates of competition in a particular season does not include postseason competition conducted after the completion of the institution’s regular-season schedule and conference tournament.”

D. Bylaws: Amend 14.2.6, page 97, as follows:

[Division III]

“14.2.6 Season-Of-Participation Waiver — Competition While Ineligible. In conjunction with a request for restoration of eligibility and any conditions imposed thereon per Bylaw 14.12, a student-athlete may be granted an additional season of participation by the Committee on Student-Athlete Reinstatement when he or she engaged in a limited amount of participation as a result of a good-faith, erroneous formal declaration of eligibility by the institution’s appropriate certifying authority or a student-athlete’s good-faith, erroneous reliance on a coaching staff member’s decision to put the student-athlete into participation prior to the coaching staff member receiving a formal declaration of the student-athlete’s eligibility from the institution’s appropriate certifying authority. The participation must have occurred under all of the following conditions:

[14.2.6-(a) and 14.2.6-(b) unchanged.]

“(c) The student-athlete did not participate in more than two events or 10 percent (whichever number is greater) of the institution’s completed **or scheduled** events in his or her sport. All competition (including a scrimmage) against outside participants shall be countable under this limitation in calculating both the number of events in which the student-athlete participated and the number of completed **or scheduled** events during that season (traditional and non-traditional) in the sport;”

[14.2.6-(d) and 14.2.6-(e) unchanged.]

E. Bylaws: Amend 14.2.7, page 97, as follows:

[Division III]

“14.2.7 Season-of-Participation Waiver — Participation While Eligible. A student-athlete may be granted an additional season of participation by the Committee on Student-Athlete Reinstatement when, due to extenuating circumstances (per Bylaw 14.2.7.1.2), the student-athlete, while eligible, engaged in a limited amount of participation. The participation must have occurred under all of the following conditions:

[14.2.7-(a) and 14.2.7-(b) unchanged.]

“(c) The student-athlete did not compete in more than three contests or dates of competition (whichever is applicable to that sport) or one-third (whichever number is greater) of the institution’s completed **or scheduled** contests or dates of competition in his or her sport. All competition (including a scrimmage) against outside participants shall be countable under this limitation in calculating both the number of contests or dates of competition in which the student-athlete participated and the number of contests or dates of competition during that season (both segments) in the sport.”

Source: NCAA Division III Presidents Council [Management Council (Student-Athlete Reinstatement Committee)].

Effective Date: Immediate, for any competition occurring on or after August 1, 2004.

Rationale: The current legislation is inconsistent in using “scheduled” versus “completed” contests when calculating the hardship-waiver, season-of-competition-while-eligible and season-of-competition-while-ineligible legislation. The language in all three waivers should be amended to include scheduled or completed contests or dates of competition. This will permit an institution to calculate in a method that is most beneficial to the student-athlete. Additionally, by considering scheduled contests, student-athletes may benefit from the ability to file for the waiver prior to the conclusion of the season in question. The proposed effective date would be immediate for any competition occurring on or after August 1, 2004. This effective date would permit a student-athlete to qualify for a hardship waiver, season-of-competition-while-eligible and/or season-of-competition-while-ineligible waiver under the standard of either “scheduled” or “completed” contests for any competition occurring on or after August 1, 2004. All competition in the 2004-05 academic year would be subject to the same standard.

Action: Adopted.

NO. 8 (NO. 2-3)	ELIGIBILITY — SEASON-OF-PARTICIPATION WAIVER — COMPETITION WHILE ELIGIBLE — PENALTY
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Intent: To eliminate the withholding penalty from season-of-participation-competition while eligible waiver.

Bylaws: Amend 14.2.7.1.3, page 98, as follows:

[Division III]

“14.2.7.1.3 Penalty. A student-athlete who is granted a waiver pursuant to Bylaw 14.2.7 shall be withheld from one contest of intercollegiate competition for each contest in which he or she competed.”

[14.2.7.1.4 renumbered as 14.2.7.1.3 unchanged.]

Source: NCAA Division III Presidents Council [Management Council (Student-Athlete Reinstatement Committee)].

Effective Date: Immediate, for any competition occurring on or after August 1, 2003.

Rationale: The NCAA Division III Student-Athlete Reinstatement Committee determined that it is fair and consistent to not impose a withholding condition on a student-athlete when he or she satisfies the parameters of the season-of-participation waiver. Similar to the hardship waiver legislation where no withholding penalty exists, when circumstances are considered outside of the control of the student-athlete and the institution, a penalty is not justified. Further, this proposal has a retroactive effective date for competition occurring on or after August 1, 2003.

Action: Adopted.

**NO. 9 (NO. 2-4) ELIGIBILITY — TRANSFER
REGULATIONS — LIMITED
PRESEASON PARTICIPATION**

Intent: To specify that a transfer student who only participated in intercollegiate athletics during the preseason practice period may qualify for an exception to the transfer residence requirement.

A. Bylaws: Amend 14.5.1.1, page 99, as follows:

[Division III]

“14.5.1.1 Exception. A student-athlete who transfers to the certifying institution shall be immediately eligible if:

“(a) The student-athlete has not previously participated in intercollegiate athletics *and who;*

“(b) The student-athlete only participated in intercollegiate athletics during the preseason practice period (i.e., prior to the first regular-season contest or date of competition);

“(c) The student-athlete transfers from a *two-year or four-year* collegiate institution to a *Division III* institution *shall be immediately eligible, under the Association’s transfer regulations, to compete for the institution, including NCAA championship competition. If the student has ever participated in intercollegiate athletics, the student must and would* have been academically and athletically eligible had

he or she remained at that institution. *Further, a student who has ever participated in intercollegiate athletics and;*

“(d) The student-athlete transfers from a two-year collegiate institution without having been enrolled full time at a four-year collegiate institution and would have been academically and athletically eligible had he or she remained at the previous institution. A student-athlete who has exhausted his or her athletics eligibility at the two-year college may use this transfer exception if the student-athlete was otherwise academically or athletically eligible for competition at the two-year college; or

“(e) The student-athlete transfers from a four-year institution to a two-year college, and then to the certifying institution, also must provided the student-athlete either would have been athletically and academically eligible had he or she remained at the previous four-year institution or must have he or she has successfully completed at least 24-semester or 36-quarter hours of transferable degree credit and spent at least two semesters or three quarters of attendance at the two-year college.”

B. Bylaws: Amend 14.5.4.1, page 100, as follows:

[Division III]

“14.5.4.1 To Division III Institutions. A student-athlete who transfers to the certifying institution shall be immediately eligible if:

“(a) The student-athlete has not previously participated in intercollegiate athletics *and who;*

“(b) The student-athlete only participated in intercollegiate athletics during the preseason practice period (i.e., prior to the first regular-season contest or date of competition);

“(c) The student-athlete transfers from a two-year college or from a branch school that conducts an intercollegiate athletics program *to a Division III member institution shall be immediately eligible, under the Association’s transfer regulations, to compete for the institution, including NCAA championship competition. If the student has ever participated in intercollegiate athletics, the student must and would* have been academically and athletically eligible had he or she remained at that institution. A student-athlete who has exhausted his or her athletics eligibility at the two-year college may use this transfer exception if the student-athlete was otherwise academically or athletically eligible for competition at the two-year college. *Further, a student who has ever participated in intercollegiate athletics and;*

“(d) The student-athlete transfers from a two-year colle-

giate institution without having been enrolled full time at a four year collegiate institution and would have been academically and athletically eligible had he or she remained at the previous institution; or

- “(e) **The student-athlete** transfers from a four-year institution to a two-year college, and then to the certifying institution, *also must provided the student-athlete either would* have been athletically and academically eligible had he or she remained at the previous four-year institution or *must have he or she* successfully completed at least 24-semester or 36-quarter hours of transferable-degree credit and spent at least two semesters or three quarters of attendance at the two-year college.”

C. Bylaws: Amend 14.5.5.1.1, page 101, as follows:

[Division III]

“14.5.5.1.1 Exception. A student-athlete who **transfers to the certifying institution shall be immediately eligible if:**

“(a) **The student-athlete** has not previously participated in intercollegiate athletics *and;*

“(b) **The student-athlete only participated in intercollegiate athletics during the preseason practice period (i.e., prior to the first regular-season contest or date of competition); or**

“(c) **The student-athlete** transfers from a four-year collegiate institution *to a Division III institution shall be immediately eligible for competition. A student who has ever participated in intercollegiate athletics, must would* have been academically and athletically eligible *for competition* had he or she remained at that institution *in order to be immediately eligible for competition upon transfer to a Division III institution.*”

Source: NCAA Division III Presidents Council [Management Council (Interpretations and Legislation Committee)].

Effective Date: August 1, 2005

Rationale: Student-athletes who participate in limited preseason activities at a previous institution should qualify for an exception to the transfer residence requirement. This legislation is similar to existing legislation which specifies that a student-athlete who participates in a preseason scrimmage or preseason exhibition does not use a season of participation. If the transfer student-athlete could not use a season of participation, he or she should not have to serve a transfer residence requirement because of limited preseason participation. Note: This proposal reflects both a reformatting of Bylaw 14.5.1.1 and a change to transfer regulations. The substantive change of this proposal appears as letter (b) in each section, noting that a student-athlete may use the transfer exception if his or her only intercollegiate athletics participation occurred during the preseason practice period.

Action: Adopted.

**NO. 10 (NO. 2-10) ELIGIBILITY FOR CHAMPIONSHIPS —
DURATION OF INELIGIBILITY FOR USE
OF BANNED DRUGS**

Intent: To specify that the NCAA Committee on Competitive Safeguards and Medical Aspects of Sport shall have the authority in all sports to reduce the legislated penalty to withholding the student-athlete from the next 50 percent of the season of participation or provide complete relief from the legislative penalty.

A. Bylaws: Amend 18.4.1.5.1, pages 196-197, as follows:

[Division III]

“18.4.1.5.1 Duration of Ineligibility. A student-athlete who tests positive (in accordance with the testing methods authorized by the Executive Committee) shall be charged with the loss of a minimum of one season of participation in all sports if the season of participation has not yet begun for that student-athlete or a minimum of the equivalent of one full season of participation in all sports if the student-athlete tests positive during his or her season of participation (i.e., the remainder of contests in the current season and contests in the subsequent season up to the period of time in which the student-athlete was declared ineligible during the previous year). The student-athlete shall remain ineligible for all regular-season and postseason competition during the time period ending one calendar year (i.e., 365 days) after the student-athlete’s positive drug test and until the student-athlete retests negative (in accordance with the testing methods authorized by the Executive Committee) and the student-athlete’s eligibility is restored by the Committee on Infractions and Student-Athlete Reinstatement. If the student-athlete immediately transfers to a non-NCAA institution while ineligible and competes in collegiate competition within the 365-day period at a non-NCAA institution, the student-athlete will be ineligible for all NCAA regular season and postseason competition until the student-athlete does not compete in collegiate competition for a 365-day period. Furthermore, the student-athlete must retest negative (in accordance with the testing methods authorized by the Executive Committee) and the student-athlete’s eligibility must be restored by the Committee on Student-Athlete Reinstatement. If the student-athlete transfers to another NCAA institution while ineligible, the institution from which the student-athlete transferred must notify the institution that the student-athlete is ineligible. If the student-athlete, who tested positive for any drug other than a “street drug” as defined in Bylaw 31.2.3.1 tests positive a second time for the use of any drug, other than a “street drug” as defined in Bylaw 31.2.3.1, he or she shall lose all remaining regular-season and postseason eligibility in all sports. If the student-athlete tests positive for the use of a “street drug” after being restored to eligibility, he or she shall be charged with the loss of a minimum of one additional

season of participation in all sports and also shall remain ineligible for regular-season and postseason competition at least through the next calendar year. In addition, a student-athlete who has previously tested positive for performance-enhancing drugs as a result of a drug test administered by any other athletics organization and subsequently tests positive (in accordance with the testing methods authorized by the Executive Committee) shall be subject to these ineligibility provisions.

“18.4.1.5.1.1 Appeals. An institution may appeal the duration of ineligibility to the Committee on Competitive Safeguards and Medical Aspects of Sports (or a designated subcommittee). In all sports, the committee may reduce the legislated penalty to withholding the student-athlete from the next 50 percent of the season of participation or provide complete relief from the legislated penalty. If the committee requires the student-athlete to fulfill the legislated penalty or be withheld from the next 50 percent of the season of participation in all sports, the student-athlete shall remain ineligible until the prescribed penalty is fulfilled, the student-athlete retests negative and the student-athlete’s eligibility is restored by the Committee on Student-Athlete Reinstatement.”

- B. Administrative:** Amend 31.2.3 by adding new 31.2.3.1, page 252, as follows:

[Division III]

“31.2.3 Ineligibility for Use of Banned Drugs. Bylaw 18.4.1.5 provides that a student-athlete who is found to have used a substance on the list of banned drugs shall be declared ineligible for further participation in postseason and regular-season competition during the time period ending one calendar year after the student-athlete’s positive drug test. The student-athlete shall be charged with the loss of a minimum of one season of participation in all sports if the season of participation has not yet begun or a minimum of the equivalent of one full season of participation in all sports if the student-athlete tests positive during his or her season of participation (i.e., the remainder of contests in the current season and contests in the next season up to the period of time in which the student-athlete was declared ineligible during the previous year). The student-athlete shall remain ineligible until the student-athlete retests negative (in accordance with the testing methods authorized by the Executive Committee), and the student-athlete’s eligibility is restored by the Committee on Student-Athlete Reinstatement. If the student-athlete, who tested positive for any drug other than a “street drug” as defined in Bylaw 31.2.3.1, tests positive a second time for the use of any drug, other than a “street drug” as defined in Bylaw 31.2.3.1, he or she shall lose all remaining regular-season and postseason eligibility in all sports. If the student-athlete tests positive for the use of a “street drug” after being restored to eli-

gibility, he or she shall lose a minimum of one additional season of participation in all sports and also shall remain ineligible for regular-season and postseason competition at least through the next calendar year. Bylaw 18.4.1.5.2 also provides that the Executive Committee shall adopt a list of banned drugs and authorize methods for drug testing of student-athletes on a year-round basis. In addition, as stated in Bylaw 18.4.1.5.1, a student-athlete who previously tested positive for performance-enhancing drugs as a result of tests administered by any other athletics organization and subsequently tests positive (in accordance with the testing methods authorized by the Executive Committee) shall be subject to these ineligibility provisions.

“31.2.3.1 Appeals. An institution may appeal the duration of ineligibility to the Committee on Competitive Safeguards and Medical Aspects of Sports (or a designated subcommittee). In all sports, the committee may reduce the legislated penalty to withholding the student-athlete from the next 50 percent of the season of participation or provide complete relief from the legislated penalty. If the committee requires the student-athlete to fulfill the legislated penalty or be withheld from the next 50 percent of the season of participation in all sports, the student-athlete shall remain ineligible until the prescribed penalty is fulfilled, the student-athlete retests negative and the student-athlete’s eligibility is restored by the Committee on Student-Athlete Reinstatement.”

Source: NCAA Division III Presidents Council [Management Council (Committee on Competitive Safeguards and Medical Aspects of Sports)].

Effective Date: August 1, 2005; for drug tests conducted on or after August 1, 2005.

Rationale: The current drug-testing legislation provides for a one year penalty for any positive drug test, unless the Drug-Education and Drug-Testing subcommittee accepts an appeal by the student-athlete because of mitigating circumstances. Currently, the committee has no authority to reduce the sanction, only to uphold the one year penalty or fully negate the positive test and sanction. Appeals are considered on a case-by-case basis. This amendment would enable the subcommittee to consider a reduced penalty for mitigating circumstances. The outcome of an appeal would be the full one-year penalty, a 50 percent penalty or no penalty. This new option would apply only to drug tests conducted on or after the effective date. This proposal further aligns the NCAA with national and international doping control, which identifies a doping offense if any presence of a banned substance is found in a drug-test sample, but allows for reduced penalties for mitigating circumstances. Consistent with other sanctions involving NCAA student-athletes, this proposal

strongly enforces the NCAA values of integrity and fair play, while providing for a responsive, case-by-case approach to student-athletes in unique circumstances.

Action: Adopted.

**NO. 11 (NO. 2-11) ELIGIBILITY FOR CHAMPIONSHIPS —
POSITIVE DRUG TEST — NON-NCAA
ATHLETICS ORGANIZATION**

Intent: To specify that a student-athlete under a drug-testing suspension from a national or international sports governing body that has adopted the World Anti-Doping Agency code shall not be eligible for intercollegiate competition for the duration of the suspension.

A. Bylaws: Amend 18.4.1.5.3, page 197, as follows:

[Division III]

“18.4.1.5.3 Non-NCAA Athletics Organization’s Positive Drug Test. The Executive Committee shall authorize methods for drug testing any student-athlete who has disclosed in the student-athlete statement (see Bylaw 14.1.3.1) that he or she has a positive drug test administered by a non-NCAA athletics organization. **A student-athlete under a drug-testing suspension from a national or international sports governing body that has adopted the World Anti-Doping Agency (WADA) code shall not participate in NCAA intercollegiate competition for the duration of the suspension.**”

B. Administrative: Amend 31.2.3.1.2, page 254, as follows:

[Division III]

“31.2.3.1.2 Positive Drug Test — Non-NCAA Athletics Organization. A student-athlete *who has disclosed (i.e., in the student-athlete statement) a previous positive drug test for performance-enhancing drugs administered by any other athletics organization (e.g., U.S. Olympic Committee) shall be required to submit to a drug test administered by the NCAA for the banned drugs listed in Bylaw 31.2.3.1. A student-athlete who is tested by the NCAA and found to have used a substance on the NCAA’s list of banned drugs shall be declared ineligible for further participation in postseason and regular-season competition in accordance with the ineligibility provisions in Bylaws 31.2.3 and 18.4.1.5 under a drug-testing suspension from a national or international sports governing body that has adopted the World Anti-Doping Agency (WADA) code shall not participate in NCAA intercollegiate competition for the duration of the suspension.*”

Source: NCAA Division III Presidents Council [Management Council (Committee on Competitive Safeguards and Medical Aspects of Sports)].

Effective Date: August 1, 2005

Rationale: Current legislation allows a student-athlete, while under

an international doping suspension, to compete within the NCAA upon testing negative with the NCAA. With this recommendation, student-athletes would not be permitted to compete in any intercollegiate sports at an NCAA institution or participate in any NCAA championship competition while under a drug-testing suspension imposed by an athletics governing body that has fully implemented the WADA Code, the drug-testing policies enforced by the International Olympic Committee. These drug-testing violations are required to be reported on the NCAA Student-Athlete Statement, and notice of a WADA doping suspension is a matter of public record. An athlete may commence or return to NCAA competition upon demonstration of a lifting of the national or international suspension. An exception to this rule would exist for a substance for which the NCAA provides a medical exception review; in these cases, the medical panel of the CSMAS will consider a waiver to participate in NCAA intercollegiate athletics. The 2003 Drug-Education and Testing Survey of the NCAA membership demonstrated that a majority of the membership (53 percent) was in favor of changing NCAA policy according to this recommendation.

Action: Adopted.

NO. 12 (NO. 2-9) **PLAYING AND PRACTICE SEASONS — GENERAL PLAYING SEASON REGULATIONS — SKIING**

Intent: In skiing, to permit separate 19-week playing season segments and separate contest limitations in alpine and nordic skiing.

A. Bylaws: Amend 17.18.1, page 165, as follows:

[Division III]

“17.18.1 Length of Playing Season. The length of an institution’s playing season in skiing shall be limited to a maximum of 19 weeks **in alpine skiing and 19 weeks in nordic skiing** (traditional and nontraditional segments combined).”

B. Bylaws: Amend 17.18.5.1, page 165, as follows:

[Division III]

“17.18.5.1 Maximum Limitations - Institutional. A member institution shall limit its total playing schedule against outside competition in the sport of skiing during the permissible skiing playing season to a maximum of 16 dates of competition **in nordic skiing and 16 dates of competition in alpine skiing**, except for those dates of competition excluded under Bylaws 17.18.5.3 and 17.18.5.4 (see Bylaw 20.11.3.3 for minimum contests and participants requirements).”

C. Bylaws: Amend 17.18.5.2, page 165, as follows:

[Division III]

“17.18.5.2 Maximum Limitations — Student-Athlete. An indi-

vidual student-athlete may participate in each academic year in a maximum of 16 dates of competition in **nordic skiing and 16 dates of competition in alpine skiing**. *This* **These** limitations includes those dates of competition **in each skiing discipline** in which the student represents the institution, including competition as a member of the varsity, junior varsity or freshman team of the institution in accordance with Bylaws 17.02.4 and 17.02.8.”

Source: NCAA Division III Presidents Council [Management Council (Playing and Practice Seasons Subcommittee)].

Effective Date: August 1, 2005

Rationale: Alpine and nordic skiing are two different skiing disciplines that share an NCAA championship. The two disciplines include different student-athletes, are conducted at different venues and concentrate competitions at different points of the season. Other than at collegiate carnival races, events for alpine skiers do not normally include events for Nordic skiers, and vice versa. The national governing body conducts its Nordic championship in January and its alpine championship in March. Further, skiing is a National Collegiate Championship sport where Division III student-athletes compete against Divisions I and II student-athletes with much longer playing seasons. This change will allow discipline-specific flexibility in scheduling to better accommodate Division III student-athletes in this sport.

Action: Adopted.